THE

HISTORY

OF

BRITISH INDIA

BY JAMES MILL, ESQ.

IN SIX VOLUMES.

Hoc autem pressè et distinctè excutiamus sermone quodam activo et masculo, nusquam digrediendo, nil amplificando. BACON, *De Augm. Scient. Lib. ii.*

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THE state of the regulations for collecting the revenue had for some time pressed upon the attention of the government. The lease of five years, on which the revenues had been farmed in 1772, was drawing to a close, and it was necessary to determine what course should then be pursued. To remedy evils, which delayed not to make themselves perceived, in the regulations of 1772, a considerable change had been introduced in 1773: The superintendence of the collectors was abolished: The provinces (Chittagong and Tipperah remaining under the original sort of management, that of a chief) were formed into six grand divisions, Calcutta, Burdwan, Moorshedabad, Dinagepore, Dacca, and Patna: In each of these divisions (Calcutta excepted, for which two members of the council and three superior servants, under the name of a committee of revenue, were appointed) a council was formed, consisting of a chief, and four senior servants, to whom powers were confided, the same, in general, with those formerly enjoyed by the collectors: They exercised a command over all the officers and affairs of revenue, within the division: The members superintended in rotation the civil courts of justice, called Sudder Adaulut: The councils appointed deputies, or *naibs*, to the subordinate districts of the division: These naibs, who were natives, and called also aumils, both superintended the work of realizing the revenue, and held courts of fiscal judicature, called courts of Duanee Adaulut: The decisions of these courts were subject by appeal to the review of the provincial courts of Sudder Adaulut; which decided in the last

resort to the value of 1000 rupees, but under appeal to the Court of Sudder Duanee Adaulut at Calcutta, in all cases which exceeded that amount. Even this scheme was declared to be only intermediate, and preparatory to an ultimate measure, according to which, while the local management, except in those districts which might be let entire to the Zemindars or responsible farmers, should be performed by a duan, or aumil, a committee of revenue, sitting at the Presidency, should form a grand revenue office, and superintend the whole collections of the country.[1] Such were the alterations adopted in 1773.

At an early period, under the five years' settlement, it was perceived, that the farmers of the revenue had contracted for more than they were able to pay. The collections fell short of the engagements even for the first year; and the farms had been let upon a progressive rent. The Governor-General was now accused by his colleagues of having deceived his honourable masters by holding up to their hopes a revenue which could not be obtained. He defended himself by a plea which had, it cannot be denied, considerable weight: It was natural to suppose, that the natives were acquainted with the value of the lands, and other sources of the revenue; and that a regard to their own interests would prevent them from engaging for more than those sources would afford. It was contended with no less justice on the other side, that there was a class of persons who had nothing to lose; to whom the handling of the revenues, and power over those who paid them, though for a single year, was an object of desire; and whom, as they had no intention to pay what they promised, the extent of the promise could not restrain.

[1] Sixth Report of the Select Committee, 1781, Appendix, No. 1.

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The failure of exaggerated hopes was not the only evil whereof the farm by auction was accused. The Zemindars; through whose agency the revenues of the district had formerly been realized, and whose office and authority had generally grown into hereditary possessions, comprising both an estate and a magistracy, or even a species of sovereignty, when the territory and jurisdiction were large; were either thrown out of their possessions; or, from an ambition to hold the situation which had given opulence and rank to their families, perhaps for generations, they bid for the taxes more than the taxes could enable them to pay; and reduced themselves by the bargain to poverty and ruin. When the revenues were farmed to the Zemindars, these contractors were induced to turn upon the ryots, and others from whom their collections were levied, the same rack which was applied to themselves. When they were farmed to the new adventurer, who looked only to a temporary profit, and who had no interest in the permanent prosperity of a people with whom he had no permanent connexion, every species of exaction to which no punishment was attached, or of which the punishment could by artifice be evaded, was to him a fountain of gain.

After several acrimonious debates, the Governor-general proposed that the separate opinions of the Members of the Council, on the most eligible plan for levying the taxes of the country, should be sent to the Court of Directors. And on the 28th of March, 1775, a draught, signed by him and Mr. Barwell, was prepared for transmission. The leading principle of this project was; that the several districts should be farmed on leases for life, or for two joint lives, allowing a preference to the Zemindar, as often as his offer was not greatly inferior either to that of other candidates,

or the real value of the taxes to be let. The plan of the other Members of the Council was not yet prepared. They contented themselves with some severe reflections upon the imperfections of the existing system, an exaggerated representation of the evils which it was calculated to produce,[1] and an expression of the greatest astonishment at the inconsistency of the Governor-General, in praising and defending that system, while he yet recommended another, by which it would be wholly suppressed.

On the 22d of January, 1776, Mr. Francis entered a voluminous minute, in which he took occasion to record at length his opinions respecting the ancient government of the country, and the means of ensuring its future prosperity. Of the measures which he recommended, a plan for realizing the revenue constituted the greatest and most remarkable portion. Without much concern about the production of proof, he assumed as a basis two things; first, that the opinion was erroneous, which ascribed to the Sovereign the property of the land; and secondly, that the property in question belonged to the Zemindars. Upon the Zimindars, as proprietors, he accordingly proposed that a certain land-tax should be levied; that it should be fixed once for all; and held as perpetual and invariable.

This was the principle and essence of his plan; and the reasonings by which he supported it were the common reasonings which prove the benefit of certainty in levying contributions for the use of the state. But Mr. Francis misapplied a common term. By certainty, in matters of taxation, is not meant

[1] "In the course of three years more, we think it much to be apprehended, that the continued operation of this system will have reduced the country in general to such a state of ruin and decay, as no future alteration will be sufficient to retrieve." Extract of a Minute from General Clavering, Col. Monson, and Mr. Francis, March 21, 1775.

security for ever against increase of taxation. Taxes may be in the highest degree certain, and yet liable to be increased at the will of the legislature. For certainty it is enough, that under any existing enactment of the legislature, the sum which every man has to pay should depend upon definite, cognoscible circumstances. The window-tax, for example, is a certain tax; though it may be increased or diminished, not only at the pleasure of the legislature; but by altering the number of his windows at the pleasure of the individual who pays it. By the common reasonings to prove the advantages of certainty in taxes, Mr. Francis, therefore, proved nothing at all against the power of increasing them. The sacred duty of keeping taxation in general within the narrowest possible limits, rests upon equally strong, but very different grounds.

Into the subordinate arrangements of the scheme, it belongs not to the present purpose to enter. It is only necessary to state, that Mr. Francis proposed to protect the ryots from the arbitrary exactions of the Zemindars, by prescribed forms of leases, in India known by the name of pottahs; that he condemned the provincial councils, and recommended local supervisors, to superintend, for a time, the executive as well as judicial business of the collections; a business, which, by the arrangements made with the Zemindars and the ryots, he trusted would in a great measure soon perform itself. On opium and salt, of which the monopoly had generally been disposed of by contract, he proposed that government should content itself with a duty; and terminate a large amount of existing oppressions by giving freedom to the trade.[1]

[1] Report ut supra, and Appendix, No. 14 and 15: see also a publication entitled Original Minutes of the Governor-General and Council

That the regulations which had been adopted for the administration of justice among the natives were extremely defective, all parties admitted and complained. That robbery and other crimes so greatly prevailed, was owing, in the opinion of Mr. Francis, to the reduction of the authority of the Zemindars. These officers had formerly exercised a penal control, which Mr. Francis maintained was fully judicial; which had reference, as Mr. Hastings affirmed, to nothing but police. As a cure for the existing disorders, Mr. Francis recommended the restoration of their ancient powers to the Zemindars, who, in the case of robbery and theft, were obliged, under the ancient government, to make compensation to the party wronged; and in the case of murders and riots, were liable to severe mulcts at the hand of government. Mr. Hastings, who judged more wisely what effects zemindary jurisdiction had produced, or was likely to produce, treated this as a remedy which was far from adequate to the disease. In conjunction with Sir Elijah Impey, he formed the draught of a bill for an act of parliament, on the subject of the civil judicature of Bengal. It was communicated to the Council on the 29th of May. In this plan of the Chief Governor and Chief Judge, it was proposed, that in each of the seven divisions, into which, including Chittagong, the country had been already distributed, two courts of record should be established; that one should be denominated "The Court of Provincial Council;" that it should in each instance consist of a President and three Councillors, chosen by the Governor-General and Council, among the senior

of Fort William, by Philip Francis, Esq. For the meaning of the terms Zemindar and Ryot, see i. 271; and for the interest which the Zemindar had in the land, see the considerations adduced on the introduction of the zemindary system during the administration of Lord Cornwallis.

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servants of the Company; and have summary jurisdiction in all pecuniary suits which regarded the Company, either directly, or through the medium of any person indebted to them or employed in their service; that the other of these courts should be called the Adaulut Dewanny Zillajaut; should consist of one judge, chosen, for his knowledge in the language and constitutions of the country, by the Governor and Council, from among the senior servants of the Company; and should have jurisdiction in cases of trespass or damage, rents, debts, and in general of all pleas real, personal, or mixed, belonging to parties different from those included in the jurisdiction of the Courts of Provincial Council. In this draught no provision was made for the criminal branch of judicature among the natives, which had been remitted to the nominal government of the Nabob, and exercised under the superintendence of Mahomed Reza Khan.[1]

Early in November, 1776, Colonel Monson died; and as there remained in the Council after that event, only the Governor-General and Mr. Barwell on the one part, with General Clavering and Mr. Francis on the other, the casting vote of the Governor-General turned the balance on his side, and restored to him the direction of government.

In the consultation of the 1st of November he had entered a minute, in which he proposed, as a foundation for new-modelling the plan of collection, that an investigation should be instituted for ascertaining the actual state of the sources of revenue, particularly of that great and principal source, the lands. As the mode of letting by auction, which had produced in-

[1] See Francis's Minute, ut supra, and the Draught of Hastings's Bill; Report, ut supra, Appendix, No. 13.

convenience, was meant to be discontinued, and the mode of letting by valuation to be adopted in its stead, the Governor-General was of opinion, that as accurate a knowledge as possible of the subject of valuation ought first to be obtained. He proposed that this inquiry should be assigned as an exclusive duty to particular agents; that two covenanted servants of the Company should be chosen, with an adequate appointment of native officers; and that their business should be to collect the accounts of the Zemindars, the farmers, and ryots, to obtain such information as the Provincial Councils could impart; to depute, when expedient, native officers, into the districts for the purpose of inquiry; and to arrange and digest the accumulated materials. The use of this knowledge would be to assess the lands in proportion to their value, and to protect the ryots, by equitable agreements, or pottahs, imposed upon the Zemindars. The Governor-General finally proposed, for the sake as he said of dispatch, that all orders issued from the office, in execution of such measures as had received the sanction of the Board, should be written in his name; and that the control of the office should be confided to his care.

As every proposal made by the Governor-General was an object of attack to the opposite side of the Board, this measure introduced as usual a long train of debate and altercation. Mr. Francis objected, 1. That the inquiry proposed was altogether useless; as a rate of impost, extracting from the lands their utmost value, would be cruel to the people, and ruinous to the state; while, under a moderate assessment, disproportion between the rate and the value was worthy of little regard; 2. That if an accurate valuation were useful, it ought to have been obtained through the Committee of Circuit; by whom the

BOOK V. CHAP. 3. 1776. lands were let at auction, for the professed purpose of ascertaining their highest value; 3. That the inquiry would be unavailing, because the Zemindars, farmers, and ryots would not give true accounts; 4. That if real accounts were capable of being obtained, they would be so voluminous, intricate, and defective, as to preclude the possibility of drawing from them any accurate conclusion; 5. That a valuation of land, if accurately obtained, is only true for one particular year, not for any future one; and 6. That with regard to the ryots, while the proposed pottahs were ill-calculated to afford them protection, the interest of the Zemindars, if their lands were restored under a moderate and invariable tax, would yield the best security to the husbandman, from whose exertions the value of the land arose. A furious minute was entered by General Clavering, in which he arraigned the measure as an attempt to wrest from the Council "the ordering, management, and government of the territorial acquisitions," and as an illegal usurpation of the powers that were vested exclusively in the Board. This accusation was founded upon the proposal about the letters and the control of the office. And it is remarkable, that, knowing the jealousy with which any proposal of a new power to himself would be viewed by the hostile party, and the imputations to which it would give birth, the Governor-General should have embarrassed his scheme with a condition, invidious, and not essential to its execution. That the objections were frivolous or invalid, it is easy to perceive. Though the inequalities of some taxes redress themselves in time, it is a mischievous notion that inequality in the imposing of taxes is not an evil: Every inequality in the case of a *new* imposition, is an act of oppression and injustice: And Hastings shewed that in the case of India, where the land-

holder paid nine-tenths of the produce of the land to government, inequality might produce the most cruel oppression. If the Committee of Circuit had fallen short of procuring an accurate knowledge of the sources of the revenue, that could be no reason why better information should not be obtained. Though it was acknowledged, that inquiry would be difficult, and its results defective, it is never to be admitted that, where perfect knowledge cannot be obtained, knowledge, though imperfect, is of no advantage. If it were allowed, as it was not, that the interest of the Zemindars would have been such, upon the plan of Mr. Francis, as Mr. Francis supposed; it is not true that men will be governed by their real interests, where it is certain that they are incapable of understanding those interests; where those interests are distant and speak only to the judgment, while they are opposed by others that operate immediately upon the passions and the senses. As the Governor-General had not proposed that letters from the office issued in his name should relate to any thing but services which had received the sanction of the Council, he insisted that they no more implied an usurpation of the powers of the Council than the letters written in his own name, in the discharge of his function, by any officer who was vested with a trust. The pernicious purposes to which it was in vague and general terms affirmed that such a power might be converted, it is not easy to understand. And the odium which it was attempted to cast upon the inquiry, by representing it as a preparation for exacting the utmost possible revenue from the lands, and dispossessing the Zemindars, Hastings answered, and sufficiently, by a solemn declaration, that no such intention was entertained.

By the ascendancy, now restored to the Governor-

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General, the office was established. Orders were transmitted to the Provincial Councils; and native officers, called aumeens, were sent to collect accounts, and to obtain information in the districts. The first incidents which occurred were complaints against those aumeens, for injurious treatment of the inhabitants; and the opposing party were careful to place these accusations in the strongest possible light. From the aumeens, on the other hand, accounts arrived of frequent refusal on the part of the Zemindarry agents, and others, to afford information; or even to show their accounts.

The five-years' leases expired in April, 1777; and the month of July of that year had arrived before any plan for the current and future years had yet been determined. By acknowledgement of all parties, the country had been so grievously over-taxed, as to have been altogether unable to carry up its payments to the level of the taxation. According to the statement of the Accountant-General, dated the 12th of July, 1777, the remissions upon the five-years' leases amounted to 118 lacs 79,576 rupees; and the balances, of which the greater part were wholly irrecoverable, amounted to 129 lacs 26,910 rupees. In his minute, on the office of inquiry, Mr. Barwell expressly declared that the "impoverished state of the country loudly pleaded for a reduction of the revenue, as absolutely requisite for its future welfare."[1] In the mean time dispatches arrived, by which it was declared, that the Court of Directors, after considering the plans, both that of the Governor-General for letting

[1] Mr. Shore (Lord Teignmouth) said in his valuable Minute on the Revenues of Bengal, dated June, 1789, printed in the Appendix, No. 1, to the Fifth Report of the Committee on India Affairs in 1810, that "the settlement of 1772, before the expiration of the leases, existed, he believed, no where, upon its original terms."

the lands on leases for lives, and that of Mr. Francis for establishing a fixed, invariable rent, "did, for many weighty reasons, think it not then adviseable to adopt either of those modes," but directed that the lands should be let for one year on the most advantageous terms; that the way of auction, however, should no more be used; that a preference should always be given to natives resident on the spot; and that no European, or the banyan of any European, should have any share in farming the revenues. On the 15th of July it was determined that the following plan should be adopted for the year; that the lands should be offered to the old Zemindars on the rent-roll or assessment of the last year, or upon a new estimate formed by the Provincial Council; that for such lands as should not in this manner find a renter, the Provincial Councils should receive sealed proposals by advertisement; that the salt farms should be let upon sealed proposals, a preference being given to the Zemindar or farmer of the lands on which the salt was made; that security should not be asked of the Zemindars, but a part of their lands be sold to discharge their balances. Mr. Francis objected to the rent-roll of last year as too high; and Mr. Hastings admitted the justice of the observation with regard to a part of the lands, where abatement would be required; but thought it good, in the first instance, to try in how many cases the high rent, for which persons were found to engage, would be regarded as not more than the taxes would enable them to pay. Instead of sealed proposals, which he justly denominated a virtual auction, Mr. Francis recommended a settlement by the Provincial Councils. And he wished the manufacture of salt to be left to the holder or renter of the lands where it was made; the government requiring nothing but a duty. With

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these proposals the Governor-General signified no disposition to comply; but, after fresh commands from England, the average of the collections of the three preceding years was made the basis of the new engagements.

In their letter of the 4th of July, 1777, the Directors made the following severe reflections on the institution of the Office of inquiry, and the separate authority which the Governor-General had taken to himself. "Our surprise and concern were great on finding by our Governor-General's minute of 1st November, 1776, that after more than seven years' investigation, information is still so incomplete, as to render another innovation, still more extraordinary than any of the former, absolutely necessary in order to the formation of a new settlement. In 1769, supervisors were appointed professedly to investigate the subject: In 1770, controling councils of revenue were instituted: In 1772, the office of Naib Duan was abolished, natives were discarded, and a Committee of Circuit formed, who, we were told, precisely and distinctly ascertained what was necessary to be known: And now, in 1777, two junior servants, with the assistance of a few natives, are employed to collect and digest materials, which have already undergone the collection, inspection, and revision, of so many of our servants of all denominations.—We should have hoped, that when you knew our sentiments respecting the conduct of our late administration, in delegating separate powers to their President, it would have been sufficient to prevent us further trouble on such occasions; but, to our concern, we find, that no sooner was our Council reduced, by the death of Colonel Monson, to a number which rendered the President's casting vote of consequence to him, than he exercised it to invest him-

self with an improper degree of power in the business of the revenue, which he could never have expected from other authority."[1]

The same mode of settlement was renewed from year to year, till 1781; when a plan destined for permanence was adopted and employed.[2]

When Mr. Hastings was in the deepest depression, under the ascendancy of his opponents, a gentleman, of the name of Maclean, departed for England, and was entrusted with a variety of confidential affairs, as the private agent of the Governor-General. For the measures adopted against the Rohillas, Hastings had been censured by the Courts of both Directors and Proprietors: And the Court of Directors had resolved to address the King for his removal. Upon this severe procedure, a Court of Proprietors was again convened; a majority of whom appeared averse to carry the condemnation to so great an extent; and voted, that the resolution of the Directors should be reconsidered. The business remained in suspense for some months, when Mr. Maclean informed the Court of Directors, that he was empowered to tender the resignation of Mr. Hastings. If he resigned, a mere majority of the Proprietors, who appeared to be on his side, could restore him to the service. If he was dismissed, a mere majority would not be sufficient. In the letters by which the authority of Mr. Maclean was conveyed, confidential communications upon other subjects were contained. On this account he represented the impossibility of his imparting them openly to the Court; but proposed, if they would appoint a confidential Committee of

[1] Sixth Report, ut supra, Appendix, No. 11, 12, 13, 14, 15, 16. Minutes of the Governor-General and Council of Fort William, by Philip Francis, Esq.

[2] Fifth Report of the Committee of Indian Affairs, 1812, p. 8.

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Directors, to communicate to them what was necessary for their satisfaction. The Chairman, Deputy Chairman, and another Director were named. They reported, that they had seen Mr. Hastings's instructions in his own hand-writing; and that the authority of Mr. Maclean, for the proposed proceeding, was clear and sufficient. Mr. Vansittart, and Mr. Stewart, both in the intimate friendship and confidence of Mr. Hastings, gave evidence, that directions, perfectly correspondent to this written authority, had been given in their presence. The two Chairmen alone concurred in the report. The third Director regarded not the authority as sufficiently proved. The directors proceeded upon the report: The resignation was formally accepted: And a successor to Mr. Hastings was chosen. Mr. Wheler was named; presented to the King for his approbation; and accepted. General Clavering, as senior Member of the Council, was empowered to occupy the chair till Mr. Wheler should arrive. And on the 19th of June, 1777, intelligence of these proceedings was received in Bengal.

A scene of confusion, well calculated to produce the most fatal consequences, ensued. Mr. Hastings, who now possessed the power of the Council, refused to acknowledge the authority of his agent; and declared his resolution not to resign. General Clavering claimed the attributes of supremacy; and summoned the Members of Council to assemble under his auspices. Mr. Barwell attended upon the summons of the one, and Mr. Francis upon that of the other; and two parties, each claiming the supreme authority, were now seen in action one against the other. An appeal to arms appeared, in these circumstances, the only medium of decision; and Mr. Hastings showed his resolution to stand the result. The other party,

it is probable, felt their influence inferior to his. At any rate they declined the desperate extremity of a civil war; and finally offered to abide the award of the Supreme Court. The judges decided that Mr. Hastings had not vacated his office. This transaction was afterwards made the subject of a charge against him by those who moved for his impeachment; but he accused the Directors of rashness and injustice, in taking such important steps upon evidence which he affirmed would have been held, in a court of justice, insufficient to maintain a decision for the transference of an article of property of the smallest amount.[1]

The power recovered by the Governor-General, and thus strenuously retained, was exhibited in other triumphs, of slender importance. One of the first mortifications to which he had been subjected upon the arrival of the hostile councillors, was the recall of his agent, Mr. Middleton, from the office of resident with the Nabob of Oude. It was now his time to retort the humiliation; and on the 2d of December, 1776, he moved in Council, "that Mr. Bristow should be recalled from the court of the Nabob of Oude, and that Mr. Middleton be restored to the office of resident." So far from imputing any blame to Mr. Bristow, the Governor-General acknowledged that he had commanded his esteem. As the ground of his proceeding, he stated, that Mr. Middleton had been removed from his office without allegation of fault; that he had a greater confidence in Mr. Middleton than in Mr. Bristow, and as the responsibility was laid upon him, it was but just that his agents should be chosen by himself. The measure

[1] Ninth Report, Select Committee, 1783, and Appendix, No. 107, 108, 109, 112, 113, 114, 115; See also the Charges, No. 9, and the Answer of Mr. Hastings.

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was vehemently opposed by General Clavering and Mr. Francis; the usual violence of altercation ensued; Mr. Middleton was appointed, and Mr. Bristow recalled.

The part taken by Mr. Joseph Fowke in bringing forward the facts, whence imputations had been drawn upon the Governor-General himself, had excited a resentment, which, having formerly appeared only in bitter and contemptuous expressions, was now made manifest in acts. The son of that gentleman, Mr. Francis Fowke, had, on the 16th of August, 1775, been appointed by the Council, against the voice of the Governor-General, to proceed on a species of embassy to the new dependant of the Company, the Rajah of Benares. On the same day on which the Governor-General moved for the recall of Mr. Bristow, he moved for that of Mr. Francis Fowke, which also, after strong opposition, was carried by his own casting vote. Mr. Fowke was recalled, and his commission annulled, on the express declaration, that "the purposes thereof had been accomplished:" On the 22d of the same month, a letter of the Governor-General and Council was written to the Court of Directors, in which the recall of Mr. Fowke was reported, and in which it was stated that the commission with which he had been invested was annulled, because the purposes for which it had been created were "fully accomplished:" On the very day after the date of this dispatch, the Governor-General moved in Council, and whatever he moved was sure of acceptance, that a civil servant of the Company, with an assistant, should be appointed to reside at Benares!

Upon both of these transactions, the Directors pronounced condemnation. In their general letter to Bengal of the 4th of July, 1777, they say, "Upon

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the most careful perusal of your proceedings of the 2d of December, 1776, relative to the recall of Mr. Bristow from the court of the Nabob of Oude, and the appointment of Mr. Nathaniel Middleton to that station, we must declare our strongest disapprobation of the whole of that transaction. And therefore direct, that Mr. Bristow do forthwith return to his station of resident at Oude, from which he has been so improperly removed." And in their letter of the 30th of January, 1778, "You inform us," they said, "in your secret letter of December, 1776, that the purposes for which Mr. Francis Fowke was appointed to proceed to Benares, being fully accomplished, you had annulled his commission, and ordered him to the Presidency. But it appears by your letter of the 6th of January, 1777, that in less than twenty days you thought proper to appoint Mr. Thomas Graham to reside at Benares, and Mr. Daniel Octavus Barwell to be his assistant. If it were possible to suppose that a saving to the Company had been your motive for annulling Mr. Fowke's commission, we should have approved your proceedings. But when we find two persons appointed immediately afterwards, with two salaries, to execute an office which had been filled with reputation by Mr. Fowke alone, we must be of opinion that Mr. Fowke was removed without just cause; and therefore direct that Mr. Francis Fowke be immediately re-instated in his office of resident and post-master at Benares."

On the 20th of July, 1778, the commands of the Court of Directors, with regard to Mr. Fowke, came under the deliberation of the Governor and Council, when Mr. Hastings moved that the execution of these commands should be suspended. A compliance with them, he said, "would be adequate" (meaning equivalent) "to his own resignation of the service, be-

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cause it would inflict such a wound on his authority, as it could not survive." He also alleged that intelligence might daily be expected from England of resolutions which would decide upon his situation in the service; and, notwithstanding the opposition of one half of the Council, he decided, by his casting vote, that Mr. Fowke, in spite of the command of the Directors, should not be replaced.

On the 27th of May, 1779, the Court of Directors write, "We have read with astonishment your formal resolution to suspend the execution of our orders relative to Mr. Francis Fowke. Your proceedings at large are now before us. We shall take such measures as appear necessary for preserving the authority of the Court of Directors, and for preventing such instances of direct and wilful disobedience in our servants in time to come. At present we repeat the commands contained in the sixty-seventh paragraph of our letter of the 30th January, 1778, and direct that they be carried into immediate execution."[1]

The place rendered vacant in the Council, by the death of Colonel Monson, had been supplied, by the appointment of Wheler, who commonly voted with Francis; but as General Clavering died in the end of the month of August, 1777, the decisions of the Council were still, by his own casting vote, at the command of the Governor-General.

Another of the transactions, which, during the ascendancy of his opponents, had most deeply offended the Governor-General, was the subversion of his regulations respecting the government and household of the Nabob. As this, however, had obtained the sanction of the Court of Directors; and the ap-

[1] The original documents respecting these transactions may be found in the Appendix to the Fifth Report of the Select Committee, 1781; and in the Minutes of Evidence on the Trial of Mr. Hastings.

pointment of Mahomed Reza Khan in particular had met with their specific approbation, some colour for reversing these measures was very much to be desired. The period, at which the Nabob would come of age, was approaching. In the secret consultations on the 23d of July, 1778, the Governor-General desired that a letter from the Nabob Mubarek ul Dowla should be read. In this letter the Nabob stated that he had now, by the favour of God, arrived at that stage of life, his twentieth year, when the laws of his country assigned to him the management of his own affairs; he complained of the severity with which he had been treated by Mahomed Reza Khan; and prayed that he might be relieved from this state of degrading tutelage, and allowed to assume the administration of his own government and affairs.

Mr. Wheler and Mr. Francis maintained, that it was not competent for the delegated government of India to subvert a regulation of so much importance, which had been directly confirmed by the Court of Directors; and that the requisition of the Nabob should be transmitted to England for the determination of the superior power. Mr. Hastings and Mr. Barwell insisted that justice admitted of no delay. It is remarkable, how these contending parties in India could reverse their pleas, as often as their interests required that different aspects of the same circumstances should be held up to view. In 1775, when the party in opposition to the Governor-General meant to alter the regulations which he had formed, they represented it as their object, "to recover the country government from the state of feebleness and insignificance, to which it was Mr. Hastings's avowed policy to reduce it." The Governor-General, in opposition to these pretences, declared, that "all the arts of policy cannot conceal the power by which

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these provinces are ruled; nor can all the arts of sophistry avail to transfer the responsibility of them to the Nabob, when it is as visible as the light of the sun, that they originate from our own government; that the Nabob is a mere pageant, without the shadow of authority, and even his most consequential agents receive their appointment from the recommendation of the company, and the express nomination of their servants."[1] Notwithstanding these recorded sentiments, the Governor-General could now declare; "The Nabob's demands are grounded on positive rights, which will not admit of discussion. He has an incontestable right to the management of his own household. He has an incontestable right to the Nizamut; it is his by inheritance; the dependants of the Nizamut Adaulut, and of the Fouzdary, have been repeatedly declared by the Company, and by this government, to appertain to the Nizamut. For these reasons I am of opinion, that the requisitions contained in the Nabob's letter ought to be complied with."[2] In the eagerness of his passions, the Governor-General, by asserting the incontestable right of the Nabob to all the powers of the Nizamut, transferred a great part of the government. Under the Mogul constitution, the government of the provinces consisted of two parts; the Dewanee, or collection of the revenues, and the administration of the principal branches of the civil department of justice; and the Nizamut, or the military branch of the government, with the superintendance of the criminal department of judicature: And of these the Dewanee was subordinate to the Nizamut. In this exalted

[1] Minute of the Governor-General on the 7th Dec. 1775, Fifth Report, ut supra, p. 24, and App. No. 6.

[2] Secret consultations, 5th March, 1778. Fifth Report, p. 29. App. No. 6. (N.)

capacity, it was never meant to recognise the Nabob; and the language exhibits a useful specimen of the sort of arguments, to serve a purpose, which vague and imperfect notions of Indian policy have enabled those who were interested always to employ.[1]

[1] At the time, when Nuncomar accused Mr. Hastings, an indictment for a conspiracy was brought against him, Roy Radachurn, and others. Roy Rodachurn was the Vakeel of the Bengal Nabob, and claimed the privilege of an ambassador. To bring him under the power of the Court, it was thought necessary to prove that his master was in no respect a Prince. For this purpose Mr. Hastings made an affidavit, that he and his council, in 1772, had appointed Munny Begum, and all her subordinates; that they had appointed courts of laws, both civil and criminal, by their own authority, and without consulting the Nabob; that "the civil courts were made solely dependant on the Presidency of Calcutta; and that the said criminal courts were put under the inspection and control of the Company's servants, although *ostensibly* under the name of the Nazim; and that the revenues were exclusively in the hands of the Company." The inference was, that not a particle of sovereign power belonged to the Nabob. Affidavits to the same purpose were made by Mr. George Vansittart and Mr. Lane. Upon this and other evidence the judges formed their decision; that the Nabob was not a sovereign in any sense, nor his Vakeel an ambassador. The words of some of them are remarkable. The Chief Justice said, that if the Nabob was a Prince, "the exercise of their power must be an usurpation in the India Company;" but this he affirmed was not the case, for the Nabob's treaty with the Company "was a surrender, by him, of all power into their hands." After a long argument to show that there was in the Nabob nothing but a "shadow of majesty," he concludes; "I should not have thought that I had done my duty, if I had not given a full and determinate opinion upon this question. I should have been sorry if I had left it doubtful, whether the *empty name* of a Nabob could be thrust between a delinquent and the laws." The language of Mr. Justice Le Maistre was stronger still. "With regard to this phantom," said he, "this man of straw, Mobarek ul Dowla, it is an insult on the understanding of the Court, to have made a question of his sovereignty." "By the treaty which has been read," said Mr. Justice Hyde, "it appears that Mobareck ul Dowla deprives himself of the great ensign of sovereignty—the right to protect his own subjects. He declares *that* shall be done by the Company." When this opinion was received, Mr. Francis moved at the Board, that as it would preclude them from the use of the Nabob's name in their transactions with foreign states, the Directors might be requested, "if it should be determined by them that the Subah's government was annihilated, to instruct the Board in what form the government of the provinces should be administered for the future." Mr. Hastings objected to the motion, as the declaration of the judges

BOOK V. CHAP. 3. 1778. Letters were also brought from the Nabob, which the known wish of the Governor-General could not fail to obtain, requesting that his step-mother Munny Begum, of whom he had formerly complained, "should take on herself the management of the Nizamut, without the interference of any person whatsoever."[1] Mahomed Reza Khan was accordingly

told nothing but what, he said, was known, and acted upon, before. They had used the Nabob's *name*, it was true; in deference to the commands of the Directors; "but I do not," said he, "remember any instance, and I hope none will be found, of our having been so disingenuous as to disclaim our own power, or to affirm that the Nabob was the real sovereign of these provinces." He next proceeds to condemn the fiction of the Nobob's government. "In effect," he says, "I do not hesitate to say, that I look upon this state of indecision to have been productive of all the embarrassments which we have experienced with the foreign settlements........It has been productive of great inconveniences; it has prevented us from acting with vigour in our disputes with the Dutch and French......Instead of regretting, with Mr. Francis, the occasion which deprives us of so useless and hurtful a disguise, I should rather rejoice were it really the case, and consider it as a crisis which freed the constitution of our government from one of its greatest defects. And if the commands of our honourable employers, which are expected by the ships of the season, shall leave us uninstructed on this subject, which has been so pointedly referred to them in the letters of the late administration, I now declare that I shall construe the omission, as a tacit and discretional reference of the subject to the judgment and determination of this Board; and will propose that we do stand forth, in the name of the Company, as the actual government of these provinces; and assume the exercise of it, in every instance, without any concealment or participation." Minutes of Evidence on the Trial of Mr. Hastings, p. 1071—1079. When all these facts are known, the vehement zeal which Mr. Hastings, because it now suited his purpose, displayed for the fictitious authority of the Nabob, has a name which every reader will supply.

[1] Of the mode in which such a letter was procured, nobody who knows the relative situation of the parties can entertain a doubt. The judges of the supreme court, upon a letter of the same Nabob, in July, 1775, unanimously gave the following opinion: "The Nabob's age, his *situation* is such, that there is no man, either in England or India, will believe he would be induced to write such a letter, was it not dictated to him by the agents of those who rule this settlement: or unless he was perfectly convinced it would be agreeable to and coincide with their sentiments. We always have, and always shall consider, a letter of business from that Nabob, the same as a letter from the Governor-General and

removed; Munny Begum was replaced in her ancient office: subordinate to her, Gourdass was re-instated in that of controller of the household; and a person called Sudder al Hok was appointed to the superintendance of the judicial department. To these several offices, which were all included in the trust of Mahomed Reza Khan, salaries were appropriated, amounting to 18,000 rupees beyond what he had received. The incapacity of Munny Begum, when compared with Mahomed Reza, could admit of no dispute; and the pernicious influence of the eunuchs who governed her delayed not to give Hastings uneasiness. On the 10th of October of the same year (1778), he was obliged to write to the Nabob, "That the affairs both of the Phouzdary and Adaulut were in the geatest confusion imaginable, and that daily robberies and murders were perpetrated throughout the country;—that his dependants and people, actuated by selfish and avaricious views, had by their interference so impeded the business of justice, as to throw the whole country into a state of confusion."

Meanwhile the report of this transaction was received in England; and the Court of Directors, in their letter of the 4th of February, transmit their sentiments upon it in the following terms: "We by no means approve your late proceedings on the application of the Nabob Mubarek ul Dowla for the removal of the Naib Subahdar. In regard to the Nabob's desire to take charge of his own affairs, we find it declared by one of your own members, and not contradicted, that the Nabob is, in his own person, utterly incapable of executing any of those offices

Council." Minutes of Evidence on the trial, p. 1079, and Appendix, p. 547. According to this rule, the letter on which Mr. Hastings laid his superstructure was a letter from himself to himself.

BOOK V. CHAP. 3. 1778. which were deemed of essential importance to the welfare of the country. The Nabob's letters leave us no doubt of the true design of this extraordinary business being, to bring forward Munny Begum, and again to invest her with improper power and influence, notwithstanding our former declaration, that so great a part of the Nabob's allowance had been embezzled, or misapplied, under her superintendance. You have requested this inexperienced young man, to permit all the present judges and officers of the Nizamut and Phousdary Adauluts, or courts of criminal justice, and also all the Phousdars or officers appointed to guard the peace of the country, to continue in office until *he the Nabob shall have formed a plan for a new arrangement of those offices:* And it is with equal surprise and concern, that we observe this request introduced, and the Nabob's ostensible rights so solemnly asserted at *this period* by our Governor-General; because, on a late occasion, to serve a very different purpose, he has not scrupled to declare it as visible as the light of the sun, that the Nabob is a mere pageant, and without even the shadow of authority. No circumstance has happened, since that declaration was made, to render the Nabob more independent, nor to give him any additional degree of power or consequence; you must therefore have been well apprised that your late concessions to Mubarek ul Dowla were unnecessary, and as such unwarrantable. As we deem it for the welfare of the country, that the office of Naib Subahdar be for the present continued, and that this high office should be filled by a person of wisdom, experience, and approved fidelity to the Company; and as we have no reason to alter our opinion of Mahomed Reza Khan, we positively direct, that you forthwith signify to the Nabob Mubarek al Dowla our pleasure, that Ma-

homed Reza Khan be immediately restored to the office of Naib Subahdar.[1]

1778. The state of the relations between the Company's government and the Mahratta powers had for some time pressed with considerable weight upon the attention of the Council. The treaty which had been concluded by Colonel Upton, commonly distinguished by the title of the treaty of Poorunder, had left the minds of the governing party at Poonah, and those of the Bombay Presidency, in a state of mutual jealousy and dissatisfaction. The occupation of Salsette, and the other concessions which had been extorted, but above all the countenance and protection still afforded to Ragoba, rankled in the minds of the Poonah ministry; while the Bombay rulers, condemned and frustrated by the Supreme Council, but encouraged by the approbation of the Court of Directors, stood upon the watch for any plausible opportunity of evading or infringing the treaty. Colonel Upton, though he remained at Poonah till the commencement of the year 1777, departed before any of the material stipulations had been carried into effect. Futty Sing, as by the treaty it had been rendered his interest, disavowed his right to alienate in favour of the Company any portion of the Guicawar dominions; and the Poonah Council made use of the favour shown to Ragoba, as a pretext for delaying or evading the concessions they had made.

A new feature was soon added to these disputes, by the arrival of a French ship in one of the Mahratta ports, and the reception given at Poonah to some gentlemen whom she landed, as on a mission from

[1] Fifth Report, ut supra, p. 24—32, and App. No. 6; also the charges against Mr. Hastings, No. 17, with Mr. Hastings's answer: see also the Evidence both for the Prosecution and Defence in Minutes of Evidence, ut supra.

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the king of France. This circumstance strongly excited the English jealousy and fears. The object at which the French were supposed to aim, was the establishment of a factory at Poonah; and the acquisition of a sea-port on the coast of Malabar. These advantages would enable them, it was apprehended, to sustain a competition with the English in matters of trade, and to annoy them seriously in a period of war. The asseverations of the Mahratta government, that nothing was in view prejudicial to the interests of the Company, gave little satisfaction. Colonel Upton, whose partiality was engaged to the treaty which he had concluded and the party whom he served, accused the Bombay Presidency, and answered for the sincerity and pacific designs of the Mahrattas. Mr. Hastings leaned to the suspicious side; his opponents urged the propriety of yielding contentment to the Mahrattas, especially by the abandonment of Ragoba. The probability of a rupture between France and England was already contemplated in India; and, as it was to be expected that the French would aim at the recovery of their influence in India, so Mr. Hastings, at least, thought that the western coast was the place where they had the best prospect of success; and that the support of the Mahrattas was the means most likely to be adopted for the accomplishment of their ends.

The progress of inquiry respecting the agent from France discovered, that his name was St. Lubin; that he was a mere adventurer, who had opened to the French Minister of Marine a project, supported by exaggerated and false representations, for acquiring an influence in the Mahratta councils, and an establishment in the Mahratta country; and that he had been entrusted with a sort of clandestine commission, as an experiment, for ascertaining if any footing or

advantage might be gained. The Presidency of Bombay represented to the Supreme Council, that St. Lubin received the most alarming countenance from the Poonah ministers; that nothing could be more dangerous to the Company, than a combined attack from the Mahrattas and French: And they urged the policy of anticipating the designs of their enemies, by espousing the cause of Ragoba; and putting an end to the power of men, who waited only till their schemes were ripe for execution, to begin an attack upon the Company. The Bombay Presidency were more emboldened in their importunity, by a letter from the Court of Directors, containing their observations on the conduct of the Supreme Council in taking the negotiation with the Mahrattas out of the hands of the Bombay government, and on the treaty which the Supreme Council had concluded with the Poonah rulers. "We approved," said the Directors, "under every circumstance, of keeping all territories and possessions ceded to the Company by Ragoba, and gave directions to the Presidencies of Bengal and Fort St. George to adopt such measures as might be necessary for their preservation and defence. But we are extremely concerned to find, from the terms of the treaty concluded by Colonel Upton at Poonah, that so great a sacrifice has been improvidently made; and especially, that the important cession of Bassein to the Company by Ragoba, has been rendered of no effect. We cannot but disapprove of the mode of interference of the Governor General and Council, by sending an ambassador to Poonah without first consulting you, and of their determination to disavow and invalidate the treaty formerly entered into by an agent from your Presidency, and solemnly ratified under the seal of the Company. We are convinced that Bassein, which is

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so great an object with us, might have been obtained if they had authorized you to treat either with Ragoba, or with the ministers at Poonah; reserving the final approval and ratification of the treaty to themselves. This is the precise line we wish to have drawn; and which we have directed our Governors-General and Council in future to pursue. We are of opinion, that an alliance originally with Ragoba would have been more for the honour and advantage of the Company, and more likely to be lasting, than that concluded at Poonah. His pretensions to the supreme authority appear to us better founded than those of his competitors; and, therefore, if the conditions of the treaty of Poonah have not been strictly fulfilled on the part of the Mahrattas, and if, from any circumstance, our Governor-General and Council shall deem it expedient, we have no objection to an alliance with Ragoba, on the terms agreed upon between him and you."

While these circumstances were under the consideration of the Supreme Council at Calcutta, intelligence arrived, that the rivalship of Siccaram Baboo and Nana Furnavese had produced a division in the Council at Poonah; that a part of the ministers, with Siccaram Baboo at their head, had resolved to declare for Ragoba; that they had applied for the assistance of the English to place in his hands the powers of government; and that the Presidency of Bombay had resolved to co-operate with them in his favour. This subject produced the usual train of debate and contention in the Supreme Council; where Mr. Francis and Mr. Wheler condemned the resolution of the President and Council of Bombay, first, as illegal, because not taken with the approbation of the supreme authority; next, as unjust, by infringing the treaty; and finally, impolitic, by incurring the dan-

gers and burdens of war: The Governor-General and Mr. Barwell approved it, as authorized by the suddenness and greatness of the emergency, and the declared sentiments of the Court of Directors; as not unjust, since the principal party with whom the treaty was formed now applied for the interference of the Company; and as not impolitic, because it anticipated the evil designs of a hostile party, and gave to the Company an accession of territorial revenue, while it promised them a permanent influence in the Mahratta councils. It was resolved, in consequence, that a supply of money and a reinforcement of troops should be sent to the Presidency of Bombay. The Governor-General proposed that a force should be assembled at Calpee, and should march by the most practicable route to Bombay. This also gave rise to a warm debate, both on the policy of the plan, and the danger of sending a detachment of the Company's army to traverse India through the dominions of princes, whose disposition had not been previously ascertained. It was finally determined, that the force should consist of six battalions of Sepoys, one company of native artillery, and a corps of cavalry; that it should be commanded by Colonel Leslie; and anticipate, by its expedition, the obstruction of the rains. That commander was instructed to take his route through the province of Berar, of which the rulers were friendly; to obtain, where possible, the consent of the princes or chiefs, through whose territories he might have occasion to pass; but even when refused, to pursue his march; to be caréful in preventing injury to the country or inhabitants; to allow his course to be retarded by the pursuit of no extraneous object; and to consider himself under the command of the Bombay Presidency from the commencement of his march. That Presidency

BOOK V. CHAP. 3. 1778. were at the same time instructed to use their utmost endeavours to defeat the machinations of the French; to insist upon the execution of the treaty; to take advantage of every change of circumstances for obtaining beneficial concessions to the Company; and, if they observed any violation of the treaty, or any refusal to fulfil its terms, to form a new alliance with Ragoba, and concert with him the best expedients for retrieving his affairs.

In the mean time another change had taken place in the fluctuating administration at Poonah. The party of Siccaram Baboo had prevailed over that of Nana Furnavese without the co-operation of Ragoba; and it was immediately apprehended at Bombay, that they would no longer desire to admit as an associate, a party who would supersede themselves. The arguments, urged, upon this change, by Mr. Francis and Mr. Wheler, did not succeed in stopping the march of the troops; because the unsettled state of the government of Poonah, and the machinations of the French, rendered it highly expedient, in the opinion of the Governor-General, that the Presidency of Bombay should be furnished with sufficient power, both to guard against dangerous, and to take advantage of favourable, circumstances and events.

The detachment experienced some slight obstruction at the commencement of its march, from some of the petty Mahratta chiefs; upon which, as indicating danger if it proceeded any further, Mr. Francis renewed his importunities for its recall. Mr. Hastings opposed his arguments, on the ground, that after a few days' march the troops would arrive in Bundelcund, which was independent of the Mahrattas; would thence pass into the territories of the Rajah of Berar, in which they would be received with friendship; that, on quitting the territories of the Rajah,

more than two thirds of the march would be completed; that the consent of the Peshwa had been obtained; and that the Mahratta chiefs, whatever their inclinations, were too much engaged in watching the designs of one another, to be able to oppose the detachment.

Various were the orders by which its movements were affected. The Presidency at Bombay, having taken up hopes that the presiding party at Poonah would favour the views of the English, and dismiss the agents of the French, wrote a first letter to the detachment, requiring them to halt, and wait till subsequent directions; and presently thereafter another letter, desiring them to prosecute the march. In the mean time intelligence had reached Calcutta, that war was declared between the English and the French. Upon this, instructions were dispatched to Colonel Leslie by the supreme Council, not to advance, till further orders, beyond the limits of Berar.

According to the Governor General, the Company had nothing to dread from the efforts of the French, at either Calcutta or Madras: it was the western coast on which, both from the weakness of Bombay, and the inclinations of the Mahratta government, those enemies of the English had any prospect of success; and where it most behoved the servants of the Company to provide against their attempts. He recommended a connexion with some of the leading powers of the country; pointed out the Rajah of Berar as the prince with whom it was most desirable to combine; and mentioned two services by which the co-operation of that Prince might be ensured. One of these services was to assist him in the recovery of the dominions which had been wrested from him by Nizam Ali. The other was to support him in a pretension to the Mahratta Rajahship. The

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legitimate, but impotent King of the Mahrattas, had recently died in his captivity at Sattarah, without leaving issue: And the Rajah of Berar, as a branch of the house of Sevagee, might urge a claim to the succession. In pursuance of these objects, an embassy to the court of Berar was voted by the majority, and dispatched. In the mean time another revolution had ensued in the government at Poonah. The party of Siccaram Baboo was again overthrown; and that of Nana Furnavese exalted by the powerful co-operation of Madagee Scindia. The party of Nana still appeared to favour the French. The defeated party, now led by a chief named Moraba, as the age of Siccaram Baboo in a great measure disqualified him for business, were eager to combine with the English in raising Ragoba; and the Presidency of Bombay had no lack of inclination to second their designs. A resolution to this effect was passed on the 21st of July, 1778; but it was not till the beginning of November, that any step was taken for its execution. The activity of the Presidency had been repressed by news of the confinement of the leading members of the party at Poonah, from whom they expected assistance, and by instructions from the Supreme Council not to pursue any measures which might interfere with the object of the embassy to Moodagee Bonsla, the Regent of Berar. Early, however, in November, a plan of operations was concerted; a treaty was concluded with Ragoba; a loan to a considerable amount was advanced to him; and, upon intelligence that the ruling party at Poonah had penetrated their designs, and were making preparations to defeat them, it was determined to send forward one division of the army immediately, and the rest with all possible dispatch.

The force which was sent upon this enterprise

amounted in all to nearly 4,500 men. A committee, consisting of Colonel Egerton, Mr. Carnac a member of the Select Committee, and Mr. Mostyn formerly agent of the Presidency at Poonah, were appointed a Committee for superintending the expedition, and settling the government at Poonah. The army set out about the beginning of December; on the 23d completed the ascent of the mountains, and arrived at Condola. The enemy now, for the first time, appeared. From the head of the Ghaut, or pass, which they secured by a fortified post, the English, on the 4th of January, began their march toward Poonah, with a stock of provisions for twenty-five days. They were opposed by a body of troops, who retired as they advanced, but cut off their supplies, and seized every opportunity to harass and impede them. They were not joined, as they had encouraged themselves to expect, by any chief of importance, or numbers to any considerable amount. And it was in vain, as they were informed by Ragoba, to hope, that his friends and adherents would declare themselves, till the English, by some important operations and success, held out to them a prospect of safety. The army continued to advance till the 9th of January, when, at the distance of about sixteen miles from Poonah, and eighteen from the summit of the pass, they found an army assembled to oppose them. The Committee, to whom, by a strange policy, the command of a military expedition was consigned, began to despair; and, on learning from the commissary in chief, that only eighteen days' provisions were in store, and from the officer commanding the forces, that he could not protect the baggage, without a body of horse, they made up their minds to a retreat. It commenced on the night of the 11th. But secrecy had not been preserved; and

1779. they were attacked by the enemy before day-break; when they lost a part of their baggage, and above three hundred men. It was not until four o'clock in the afternoon that the enemy desisted from the pursuit, when the English had effected their retreat as far as Wargaum. Hope now deserted not only the Committee, but the Commander of the troops; who declared it impossible to carry back the army to Bombay. An embassy was sent to the Mahratta camp to try upon what terms they could have leave to return. The surrender of Ragoba was demanded as a preliminary article. That unfortunate chief was so impressed with the danger of waiting another attack, that he had declared his intention of surrendering himself to Scindia, and had been in correspondence with that chieftain for several days; the Committee were less scrupulous therefore, in bartering his safety for their own. When this compliance was announced, and the English expected a corresponding facility on the part of the Mahrattas, the leaders of that people informed them, that the surrender of Ragoba was a matter of the utmost indifference; that the treaty, which had been concluded with Colonel Upton, had been shamefully violated; the territory of the Mahrattas invaded; and that unless a new treaty were formed upon the spot, the army must remain where it was, and abide the consequences. The declaration of the Committee, that they possessed not powers to conclude a treaty, was disregarded. The commanding officer declared, that the attempt to force a retreat could lead to nothing but the total destruction of the army. It was, therefore, agreed to submit to such conditions as the Marattas might impose; and a treaty was signed, by which all the acquisitions were relinquished, which had been made in those parts by the English, since the treaty with Madhoo Row in

1756; Baroach was given up to Scindia; Ragoba placed in his hands; the detachment from Bengal was ordered to return; and two Englishmen of distinction were left as hostages for the due fulfilment of the terms.

No approbation could be more complete than that which was bestowed by the Court of Directors on the object of this expedition. In a letter from the Committee of Secrecy, dated the 31st of August, 1778, "The necessity," they say "of counteracting the views of the French at Poonah appears to us so very striking, that we not only direct you to frustrate their designs of obtaining a grant of the port of Choul, but also to oppose by force of arms, if necessary, their forming a settlement at that or any other place which may render them dangerous neighbours to Bombay. As the restoration of Ragoba to the Peshwaship is a measure upon which we are determined; and as the evasions of the Mahratta chiefs respecting the treaty of Poonah justify any departure therefrom on our part, we, therefore, direct, that if, on the receipt of this letter, you shall be able to obtain assistance from the friends of Ragoba, and with such assistance find yourselves in force sufficient to effect his restoration without dangerously weakening your garrison, you forthwith undertake the same." In proportion to the satisfaction which would have been expressed upon a fortunate termination of this enterprise, was the displeasure manifested upon its failure. "The first object which strikes us," say the Directors, "is the slow progress of the army. This we deem an irreparable injury to the service; and in this respect the conduct of the Commander in Chief appears extremely defective. The consequence was obvious; the enemy had full opportunity to collect their strength; the friends of Ragoba, instead of being

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encouraged, by the spirited exertion of our force, to join his standard, must, as we conceive, have been deterred from declaring in his favour, by the languor of our military proceedings." They condemn the first resolution to retreat, when "the army was so far advanced, the troops full of spirits and intrepidity, and eighteen days' provisions in store." And the utmost measure of their indignation and resentment is poured on the humiliating submission which was at last preferred to the resolution of a daring, though hazardous retreat; preferred, on the pretext that the troops would not again resist the enemy, though they had behaved with the utmost intrepidity on the former attack; and though Captain Hartley declared that he could depend upon his men, urged every argument in favour of resolute measures, and even formed and presented to the commanding officer a disposition for conducting the retreat. The two military officers, who had shared in the conduct of the expedition, the Directors dismissed from their service; and the only remaining member of the Field Committee, who had been selected from the civil branch of the service, for one had died during the march, they degraded from his office, as a member of the Council and Select Committee of Bombay.

The detachment which was proceeding from Bengal had wasted much time on its march. Having advanced as far as Chatterpore, a principal city of Bundelcund, early in June, it halted till the middle of August. During this season, when the rains, according to Colonel Leslie, interrupted; according to the Governor General, favoured the march; the commander of the troops engaged himself in negotiations and transactions with the local chiefs; measures severely condemned by his superiors, and very open to the suspicion of selfish and dishonourable motives.

The President and Council of Bombay, on the receipt of intelligence of a rupture with France, had earnestly exhorted him by letter to accelerate his motions. They renewed their solicitations on the 21st of July, when they came to the resolution of supporting Ragoba. And they urged the delay of this detachment, and the uncertainty of its arrival, as a reason for having undertaken the expedition to Poonah, without waiting for that addition of strength which its union and co-operation would have bestowed. Dissatisfied with the long inactivity of the detachment at Chatterpore, the Supreme Council wrote to the commanding officer on the 31st of August, desiring him to explain the reasons of his conduct, and to pursue the march. He had put himself in motion about the middle of the month, aud was at Rajegur on the 17th, where a party of Mahrattas disputed the passage of the river Kane. On the 17th of September he dispatched a letter to the Supreme Council from Rajegur, where he still remained, stating, that the retardation of the detachment had been occasioned by the weather; that he had concluded friendly engagements with Gomân Sing, and Comân Sing, two Rajahs of Bundelcund; and had received satisfactory assurances from Moodajee Bonsla, the Regent of Berar, to whom the proposition of an embassy from the English rulers appeared to have yielded peculiar gratification.[1]

[1] The sentiments of the Court of Directors were unfavourable to this attempted alliance. In their letter of the 14th of May, 1779, to the Governor General and Council, they say, "The undertaking appears to us contrary to the Company's former policy, to our engagements with Ragoba and Nizam Ali, and doubtful respecting any reasonable prospect of advantage." And in another letter dated on the 27th of the same month, to the President and Select Committee of Bombay, they say, "We earnestly hope, that upon your negotiation and treaty with Ragoba being communicated to our Governor General and Council, they

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The person who had been chosen to conduct this embassy, died upon the journey, before he reached the capital of Berar. After some fluctuation of opinion, it was determined not to continue the negotiation by appointing a successor; but rather to wait in expectation of some advances from the Regent.

The party of Mr. Francis now urgently pressed for a distinct declaration of the design with which the detachment on its way to the western Presidency, was directed to continue its march. There was not only a complication, they affirmed, but a contrariety of objects; the alliance for raising Moodajee Bonsla to the throne of Sevagee being inconsistent with the scheme of establishing Ragoba in the office of Peshwa. The Governor General, without any definite explanation, alleged that the re-instatement of Ragoba had never been pursued as an end, but only as a means; that his hopes and expectations were placed on Moodajee; that the detachment, whether its services should be required for the restoration of Ragoba, or in prosecution of engagements with Moodajee, or in opposing the French, ought equally to continue its march. The opposite party once more urged in vain their reasons for its recall. But all parties agreed in condemning Colonel Leslie for the delay which he had incurred, and the engagements which he had formed; in pronouncing him unfit to be any longer entrusted with the command which he held; and in transmitting orders that he should resign it to Colonel Goddard, the officer next in command. Leslie, however, survived not to receive the intelligence of his disgrace; nor to produce, it ought to be remem-

would concur with you in giving full effect thereto, and desist from entering into any new connexions which may set aside, or counteract, your recent agreements with Ragoba." Sixth Report, Committee of Secrecy. 1781, p. 84.

bered, what he might have urged in vindication of his conduct. He was an officer of experience and reputation. It is known, that he held a high language, that he complained of the Governor-General, to whom, by his special directions, he had communicated a private journal of his transactions, and to whom he had trusted for the explanation of his proceedings. But no inference can safely be founded on the allegation that the Governor-General, who had previously defended his conduct, was informed of the deadly nature of his disease, and the hopelessness of his recovery, at the time when he condemned him and voted for his recall.

By the death of Leslie, the command devolved on Colonial Goddard on the 3d of October. On the 22d he wrote a private letter to the Governor-General, informing him of the progress which the detachment had made towards the Nerbudda, or the boundary of Berar. At the same time with the letter from Colonel Goddard, arrived dispatches from Modajee, expressing his lamentation upon the death of the late ambassador, and his hopes that such an event would not frustrate the plan of friendship which it had been the object of that embassy to establish. Upon the receipt of these letters the Governor-General moved, that the negotiation with Moodajee Bonsla should be resumed; and that powers to treat with him should be communicated to Colonel Goddard. The opposite party contended, that an alliance with the Regent of Berar would be equivalent to a declaration of war against Nizam Ali, and involve the Carnatic in misfortune; that neither did Colonel Goddard possess the qualifications of a negotiator, nor did the duties of his command enable him to devote his mind to the business which a negotiator was required to perform; and that the Presidency of Bombay, under

BOOK V. CHAP. 3. 1779. whose orders the detachment had been placed, might take measures in favour of Ragoba, with which the instructions which might be given in regard to Moodajee would not be reconcilable.

On the 7th of December, after intelligence had arrived of the second revolution at Poonah, which the Governor-General regarded as defeating the original design upon which the assistance of the detachment had been sent to Bombay, he proposed that it should no longer act under the orders of that Presidency, lest the designs of those rulers should defeat the negotiation with Moodajee, entrusted to Colonel Goddard. While this proposition was under debate, a dispatch was received from the resident at Poonah, stating his expectation of being immediately recalled, as the Select Committee at Bombay had determined to proceed against the governing party at Poonah. After this intelligence, the proposition of the Governor-General, for retaining the detachment of Colonel Goddard under the immediate authority of the Supreme Council, received the sanction of the Board. In the mean time Moodajee Bonsla, for whose alliance so much anxiety was expressed, had written an evasive letter to Colonel Goddard, dated the 23d of November; manifesting pretty clearly a wish to embroil himself as little as possible either with the English or with the Poonah confederacy. Goddard crossed the Nerbuddah on the 1st of December; and sent an agent to Nagpore, to ascertain how far he might depend upon Moodajee. In conclusion, he inferred, that no engagement could be formed between that chieftain and the English; but that a friendly conduct might be expected toward the detachment, while it remained in his dominions.

By this time the army of Bombay was on its march to Poonah. But though Colonel Goddard had trans-

mitted regular intelligence of his movements to Bombay, he had received no communications from that quarter; and remained in total ignorance of their designs, except from some intimations communicated by Moodajee, that an expedition against Poonah was in preparation. Uncertain as was the ground upon which he had to proceed, he had come to the determination, that the balance of probabilities required his proceeding to Poonah; when he received dispatches from the Council at Bombay, unfolding what they had done, and what they were intending to do; and pressing it upon him to march to Poonah, with the smallest possible delay. To the question why the Presidency at Bombay had not sooner made Colonel Goddard acquainted with the design of the expedition, and taken the precautionary steps for securing co-operation between his detachment and their own, the answer must be, either that they exercised not the degree of reflection necessary for that moderate display of wisdom; or that, they wished to have to themselves the glory of setting up a Mahratta government; or that, to avoid the expense of the detachment, they wished it not to arrive. Moodajee, who was afraid to embroil himself with the Poonah government, if he gave a passage to the troops of Goddard, and with the English government, if he refused it, was very earnest with him to wait till he received satisfactory letters from Calcutta. But, notwithstanding this solicitation, Goddard, on the 16th of January, began his march from the banks of the Nerbudda.

He took the great road to Boorhanpoor and Poonah, and arrived at Charwah on the 22d, where he received intelligence that the army from Bombay had advanced as far as Boraghaut, a place fifty miles distant from Poonah.

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On the 24th, he received a letter dated the 11th, from the Field Committee, who conducted the Bombay expedition, representing, that in consequence of an alteration which had taken place in the state of affairs, it was not expedient he should advance; that he should either proceed to Surat, if he found himself in a condition to make his way in spite of the Mahratta horse, by whom his march would be annoyed; or remain in the territories of the Rajah of Berar, till further instructions. This letter placed him in a state of perfect uncertainty, whether the Bombay army had sustained a disaster which cut off their hopes, or had so flattering a prospect of success, that all additional force was accounted unnecessary. On the next day a letter arrived from the Council at Bombay, apparently written without a knowledge of the circumstances which dictated the letter of the Field Committee, and urging him to proceed. Under the perplexity which this lack of information, and discrepancy of injunctions, inspired, he resolved to proceed to Boorhanpoor, in hopes of obtaining intelligence, and arrived at that ancient capital on the 30th.

There, on the 2d of February, he received another letter from the Field Committee, dated on the 19th of January, more mysterious then any which had yet arrived. It shortly cautioned him against obeying the order in their letter of the 16th, which on better consideration they deemed themselves not competent to give. Goddard could ill conjecture the meaning of this warning, as he had not received the letter of the 16th; but he believed that it indicated evil rather than good; and saw well the dangers which surrounded him in the heart of the Mahratta country, if any serious disaster, which might produce a change in the mind of Moodajee himself, had befallen the

army from Bombay. He waited at Boorhanpoor till the 5th, in hopes of receiving more certain information, when he was made acquainted with the nature of the disaster pretty exactly by Moodajee. He resolved to retreat to Surat, and marched on the 6th. On the 9th a vakeel arrived from the Poonah government, bearing the letter written by the Field Committee on the 16th of January. It was the letter in which, under the dictation of the Mahrattas, they had commanded his immediate return to Bengal. This injunction it was the business of the vakeel to enforce. But Goddard replied that he was marching to Bombay in obedience to the orders of the Supreme Council; and with the most friendly intentions toward the Mahratta state. The march was conducted with great expedition. The troops were kept in such exact discipline, that the people, having nothing to fear, remained in their houses, and supplied the army by sale with many conveniences for the march. They arrived at Surat on the 30th; a distance of nearly three hundred miles in nineteen days.[1]

In consequence of these events, it was resolved at the Supreme Board, to vest Colonel Goddard with full powers for treating with the Poonah government; to disavow the convention concluded with the Poonah committee, but to express a desire for accommodation, on the basis of the treaty of Poorunder, if the Mahrattas, on their part, would afford encouragement, by relinquishing all claims founded on that conven-

[1] It is worthy of remark, that Gazee ad dien Khan, formerly Vizir of the empire, and grandson of the great Nizam al Mulk, was at this time found at Surat, in the disguise of a pilgrim, and confined, till the Supreme Council, being consulted, disapproved of all acts of violence, but forbade his appearing within the territories of the Company. See the Letter from Gov. Gen. to Directors, dated 14th January, 1780. Sixth Report to the Secret Com. Appendix, No. 246.

BOOK V. CHAP. 3. 1779. tion, and by a promise of forming no connexion, either commercial or political, with the French. If they should reject these proposals, Colonel Goddard, whom the Supreme Council now promoted to the rank of general, was empowered to renew the war, and if possible to form connexions with the head of the Guicawar family, and the government of Berar.

Goddard had commenced his correspondence with the Poonah ministry, when Ragoba made his escape, and repaired to Surat, where he received an asylum. Discordance prevailed among the Mahratta chiefs, and much uncertainty hung over their proceedings. Dissension broke out between Nana and Scindia, by whose united power Siccaram and Moraba had been subdued. With professions of a desire for peace, they kept aloof from definite terms; reports were received of their preparations for war; and negotiation lingered till the 20th of October, when Goddard sent his declaration, that if a satisfactory answer to his proposals was not returned in fifteen days, he should consider the delay as a declaration of war. A reply arrived on the 28th. Without the surrender of Ragoba, and the restoration of Salsette, it was declared that the Mahratta powers would make no agreement. The General upon this broke off the negotiation, and repaired to Bombay to concert with that Council the plan of hostilities.

The President and Council of Bombay had received, with considerable indignation, the intelligence of the power, independent of themselves, with which General Goddard had been invested at the Superior Board. They regarded it as an encroachment upon the rights conveyed to them, both by the act of parliament, and the commands of the Directors; and they had declared that they would sustain no responsibility for any of his acts. At first they alleged

the great exhaustion of their resources, as a reason against taking any considerable part in the war; but when the General held up, as the first object of his operations, the acquisition, on which they had long fixed their affections, of a territorial revenue adequate to all the demands of the Presidency, they agreed to supply as great a portion of their troops, as the security of Bombay would allow; and furnished him with powers and instructions to treat with Futty Sing Guicawar, whose assistance, as placing a friendly country in the rear, it was of the greatest importance to obtain. With regard to Ragoba it was proposed to feed him with such hopes, as should ensure the advantage of his name; but to engage themselves as short a way as possible for a share in the advantages of the undertaking, to the success of which it was so little in his power to contribute.

On the 2d of January, 1780, General Goddard had crossed the Tapti, with a view both to stimulate the good inclinations of Futty Sing, and to reduce the fortress of Dubhoy. On the 19th the army appeared before the place. On the next day it was evacuated by the enemy, when the whole district, yielding by estimate a revenue of two lacs of rupees, was taken possession of in the name of the Company. On the 26th, Futty Sing was at last, with some difficulty, brought to trust so far in the power of the Company, as to accede to the terms proposed; and it was agreed that the Guzerat country should be divided between the Company, and himself, the Company obtaining that proportion which had formerly accrued to the Mahrattas; and the remainder being rendered independent of the Poonah government, and freed from every exterior claim. Being joined by the cavalry of this chief, the General marched towards Ahmedabad, the capital of the province, be-

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fore which he arrived on the 10th of February, and in five days carried it by storm, with inconsiderable loss. The united armies of Scindia and Holkar, amounting to 40,000 men, were in the mean time advancing towards Surat. The English General, by rapid marches, arrived in the neighbourhood of their encampment, near Brodera, on the 8th of March, and intended to attack them in the night, but was prevented by a letter from one of the gentlemen, left as hostages with Scindia, signifying that professions were made by the Mahratta chiefs of a desire to establish amity with the English government. Of this desire, Scindia afforded a favourable indication, the following day, by sending back the hostages, and along with them a vakeel, or commissioner, who acknowledged the hatred borne by his master to Nana Furnavese, and his desire of a separate arrangement with the English. Upon further explanation, it appeared, that he was anxious to get into his hands Ragoba and his son, as an instrument for aggrandizing himself in the Mahratta state; a proposition to which General Goddard would by no means accede. Scindia, at the same time, was offering terms to Govind Row, the brother and opponent of Futty Sing, and had actually received him in his camp. Not convinced of his sincerity, and suspecting his design to waste the season, till commencement of the rains, when he would return home to the business of his government, and to his intrigues, General Goddard was desirous of forcing him to a battle, which he constantly avoided, by retreating as the English army advanced. To defeat this stratagem, the General, on the 3d of April, marched silently from his camp, about two o'clock in the morning, with four battalions of Sepoy grenadiers, four companies of European infantry, and twelve pieces of field artillery.

The distance was about seven miles to the camp of the enemy, which he entered at dawn. He reached the very centre of the encampment before he was perceived. The enemy were thrown into their usual confusion; and, though some troops were collected, and made a show of resistance, they soon abandoned their camp, and occupied a neighbouring ground. The English made no delay in proceeding to charge them, when the Mahrattas dispersed, and left them masters, not only of the field, but of the country in which it was contained. A detachment from Bombay took possession also of Parsek, Bellapore, Panwel, and Callian, and extended the territory of the Presidency along the coast and towards the passes of the hills in the way to Poonah. On the 6th of April the General was joined by six companies of European infantry, and a company of artillery, which had been sent to his assistance from Madras; and about the same time five companies of Sepoys arrived for him at Surat. As the rainy season had now commenced, Scindia and Holkar withdrew into their own countries; and the General, after sending back the Bombay detachment, put his troops into cantonments, and prepared for the succeeding campaign.

Sir Eyre Coote, who had been appointed to succeed General Clavering, both as Commander in Chief, and as a member of the Supreme Council, had arrived at Calcutta in the beginning of April, 1779; and without showing an unvarying deference to the opinions of the Governor-General, commonly supported his measures. Early in November of that year, in consequence of an application from the Rajah of Gohud, commonly known by the name of the Ranna, a Hindu chieftain or prince, who governed a hilly district of considerable extent, lying on the Jumna, between the territories of Scindia and the Nabob of

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Oude, the Governor-General proposed a treaty, by which the Ranna might be empowered to call for the assistance of the English against the Mahrattas, of whom he stood in constant danger, and should agree to assist the English with his forces, when they should undertake any enterprise against the contiguous powers. The Governor-General, who contemplated the continuance of the war with the Mahrattas, proposed this alliance, both as a barrier against an invasion, in that direction, of the territory of the Company or their allies; and as an advantage for invading the territory of the Mahrattas, and operating a diversion in favour of the enterprises which might be undertaken on the side of Bombay. The measure was opposed by the opposite side of the Board, both on the ordinary and general ground of the importance of abstaining from war, and also in consideration of the weakness of the Ranna, who had few troops, and not revenue to pay even them; whose aid, in consequence, would be of little avail, and his protection a serious burden. In the objections of the opposing party the General concurred; and even transmitted his protest against the terms of the connexion. But, as he was absent, the casting vote of the Governor-General gave his opinion the superiority, and the treaty was formed.

In the mean time intelligence arrived by a letter from General Coote, dated the 20th of November, of an invasion of the territory of the Ranna, by a body of Mahrattas, whom his want of resources made it impossible for him to resist. Instructions were dispatched to afford him such assistance as the exigency of the case might require, and the state of the English forces permit. A detachment of the company's army had been prepared in that quarter, under the command of Captain Popham, for the purpose of

augmenting the forces of Goddard; but from the BOOK V. CHAP. 3. consideration, partly that they could not arrive in time on the Bombay coast, partly that they might 1780. contribute to the success of his operations by an attack upon the part which was nearest of the Mahratta frontier, they had not been commanded to proceed; and in the beginning of February, 1780, they were sent to the assistance of the Ranna of Gohud. Captain Popham found means in this service of distinguishing his enterprise and talents. With a small force, and little assistance from the Ranna, he expelled the Mahrattas from Gohud; crossed the Sind, into their own territory; laid siege to the fortress of Lahâr, the capital of the district of Cutchwagar; and having effected an imperfect breach, which the want of heavy cannon enabled him not to complete, he, on the 21st of April, successfully assaulted and took possession of the fort.

It had, however, been importunately urged, both by Coote and Goddard, and was acknowledged by the Governor-General, that the force employed on the Mahratta frontier under Captain Popham was far from adequate to any such important operations as could materially affect the result of the war. After some fluctuation of plans, and great debate and opposition at the Superior Board, in which Mr. Francis in particular vehemently opposed the extension of military efforts, it was determined that a detachment of three battalions, stationed at Cawnpore, under Major Carnac, with a battalion of light infantry, under Captain Browne, should threaten or invade the territories of Scindia and Holkar. In the mean time Captain Popham, with the true spirit of military ardour, after securing with great activity the conquest of the district of Cutchwagar, turned his attention to the celebrated fortress of Gualior,

BOOK V. CHAP. 3. 1780. situated within the territory of the Ranna of Gohud, but wrested from his father, and now garrisoned by the Mahrattas. This fortress was situated on the summit, three coss in extent, of a stupendous rock, scarped almost entirely round, and defended by a thousand men. By the princes of Hindustan it had always been regarded as impregnable. And Sir Eyre Coote himself, in his letter to the Supreme Council, dated the 21st of April, had pronounced it "totally repugnant to his military ideas, and even absolute madness," to attack it with so feeble a detachment, and without a covering army to keep off the Mahrattas in the field, and preserve the line of communication. Captain Popham moved to the village of Ripore, about five coss distant from Gualior, and employed his spies in continually searching if a spot fit for escalading could be found. After many and dangerous experiments, they at last brought him advice that one part only afforded any appearance of practicability. At this place the height of the scarp was about sixteen feet, from the scarp to the wall was a steep ascent of about forty yards, and the wall itself was thirty feet high. "I took the resolution," says Captain Popham, "immediately. The object was glorious; and I made a disposition to prevent, as much as in my power, the chance of tarnishing the honour of the attempt, by the loss we might sustain in case of a repulse." At break of day, on the 3d of August, the van of the storming party arrived at the foot of the rock. Wooden ladders were applied to the scarp, and the troops ascended to the foot of the wall. The spies climbed up, and fixed the rope ladders, when the Sepoys mounted with amazing activity. The guards assembled within, but were quickly repulsed by the fire of the assailants. The detachment entered with rapidity, and pushed on to the

main body of the place. In the mean time the greater part of the garrison escaped by another quarter, and left the English masters of one of the greatest and most celebrated strong holds in that quarter of the globe. This brilliant achievement, for which Captain Popham was rewarded with the rank of Major, struck the Mahrattas with so much consternation, that they abandoned the circumjacent country, and conveyed the alarm to Scindia in his capital.[1]

The opposition which was made by Francis to these proceedings for pushing the war on the Jumna, brought to a crisis the animosities which the struggle between him and the Governor-General had so long maintained. On the 20th of July, 1780, Mr. Hastings, in answering a minute of Mr. Francis, declared, "I do not trust to his promise of candour, convinced that he is incapable of it. I judge of his public conduct, by my experience of his private, which I have found to be void of truth and honour." The ground of these severe expressions, the Governor-General stated to be a solemn agreement formed between him and Mr. Francis, which Mr. Francis had broken. Of this transaction the following appear to have been the material circumstances. When the parliamentary appointment, during five years, of the Governor-General and Council, expired in 1778, the expectation of a change in the Indian administration was suspended, by the re-appointment, upon the motion of the king's chief minister, of Mr. Hast-

[1] For the transactions relative to the Mahratta war, the materials are found in the Sixth Report of the Committee of Secrecy in 1781, and the vast mass of documents printed in its Appendix; the twentieth article of the Parliamentary Charges against Hastings, and his answer; the Papers printed for the use of the House of Commons on the Impeachment; and the Minutes of Evidence on the Trial of Mr. Hastings. The publications of the day, which on this, and other parts of the history of Mr. Hastings' Administration, have been consulted, some with more, some with less, advantage, are far too numerous to mention.

ings, for a single year. Upon the arrival of this intelligence in India, an attempt was made by some mutual friends of Mr. Hastings and Mr. Francis, to deliver the government, at a period of difficulty and danger, from the effects of their discordance. Both parties acknowledged the demand which the present exigency presented for a vigorous and united administration; and both professed a desire to make any sacrifice of personal feelings, and personal interests, for the attainment of so important an object. On the part of Mr. Francis it was stipulated that Mahomed Reza Khan, Mr. Bristow, and Mr. Fowke, should be re-instated in conformity to the Company's orders; and, on the part of Mr. Hastings, that the Mahratta war, the responsibility of which Mr. Francis had disclaimed, and thrown personally on the Governor-General, should be conducted in conformity with his conceptions and plans. It was this part of the agreement which Mr. Hastings accused his opponent of violating; and of depriving him, by a treacherous promise of co-operation, which induced Mr. Barwell to depart for Europe, of that authority which the vote of Mr. Barwell ensured. Mr. Francis, on the other hand, solemnly declared, that he "never was party to the engagement stated by Mr. Hastings, or had a thought of being bound by it." His agreement with regard to the Mahratta war he explained as extending only to the operations then commenced on the Malabar coast, but not to fresh operations on another part of the Mahratta dominions. Mr. Hastings produced a paper, containing the following words: "Mr. Francis will not oppose any measures which the Governor-General shall recommend for the prosecution of the war in which we are supposed to be engaged with the Mahrattas, or for the general support of the present political system of his govern-

ment." To the terms of this agreement, presented to Mr. Francis in writing, he affirmed that Mr. Francis gave his full and deliberate consent. The reply of Mr. Francis was in the following words: "In one of our conversations in February last, Mr. Hastings desired me to read a paper of memorandums, among which I presume this article was inserted. I returned it to him the moment I had read it, with a declaration that I did not agree to it, or hold myself bound by the contents of it, or to that effect." Mr. Francis added some reasonings, drawn from the natural presumptions of the case. But these reasonings and presumptions had little tendency to strengthen the evidence of his personal assertion—the ground, between him and his antagonist, on which this question seems finally to rest. With the utmost earnestness Mr. Hastings repeated the affirmation of the terms on which Mr. Francis declared his assent; and at this point the verbal controversy between them closed. Soon after, a duel ensued between Mr. Hastings and Mr. Francis, in which the latter was wounded; and on the 9th of December that gentleman quitted India, and returned to Europe.[1]

[1] Sixth Report of the Committee of Secrecy, 1781, p. 98, and appendix, No. 288; also Fifth Report of the Select Committee, 1781, p. 14, 18, 30; Memoirs of the late War in Asia, i. 301, &c.

CHAP. IV.

In Carnatic, Relations between the English and Nabob—Plenipotentiary, with independent Powers from the King—English courted by Hyder Ali and the Mahrattas, and in Danger from both—Nabob and Plenipotentiary desire Alliance with the Mahrattas—Presidency adhere to Neutrality—Relations with the King of Tanjore—After Hesitation, War is made upon him—War upon the Marawars—A second War upon Tanjore—Condemned by the Directors—Pigot sent out to restore the Rajah—Opposition in the Madras Council—Pigot imprisoned—Sentiments and Measures adopted in England—Committee of Circuit—Suspended by Governor Rumbold, who summons the Zemindars to Madras—Transactions with Nizam Ali respecting Guntoor—Censured by the Supreme Council—Governor Rumbold, and other Members of the Government, condemned and punished by the Court of Directors.

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WHILE the principal station of the Company's power in India was giving birth to so many important transactions, their Presidency on the Coromandel coast was not barren of incidents entitled to a great share of our regard.

The relation, in which the Company professed to stand to the country, was different in Carnatic, and in Bengal. By the avowed possession of the duannee, they entered in Bengal into the direct discharge of

the principal functions of internal government. In Carnatic, during the contest with the French, they had held up Mahomed Ali; upon the termination of it, they had acknowledged him, as the undoubted sovereign of the country. He was established, therefore, in the possession of both branches of power, both that of Nazim, or the military power, and that of Duan, or the financial power; and the Company held the station of dependents, possessing their privileges through his sufferance, and owing obedience to his throne. They possessed a district of land, surrounding Madras, which had been granted in 1750, and in 1762 was confirmed, by the Nabob of Carnatic or Arcot, in recompense of the services rendered by the Company to him and his family. This was a sort of estate in land, under what is called jaghire tenure, enabling the owner to draw the revenue, which would otherwise accrue to government; and to exercise all those powers which in India were usually connected with the power of raising the taxes. This Presidency also possessed, and that independent of their Nabob, the maritime district, known under the title of the four Northern Circars, which they had obtained by grant from the Mogul in 1765, and enjoyed under an agreement of peshcush, entered into the succeeding year, with the Nizam or Subahdar.

Partly from characteristic imbecility, partly from the state of the country, not only exhausted, but disorganised by the preceding struggle, the Nabob remained altogether unequal to the protection of the dominions of which he was now the declared sovereign. Instead of trusting to the insignificant rabble of an army which he would employ, the Presidency beheld the necessity of providing by a British force for the security of the province. For this reason,

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and also for the sake of that absolute power[1] which they desired to maintain, the English were under the necessity of urging, and, if need were, constraining, the Nabob, to transfer to them the military defence of the country, and to allow out of his revenues a sum proportional to the expense. The Nabob, having transferred the military power of the country, was placed in absolute dependence upon the Company; they being able to do what they pleased, he to do nothing but what they permitted. In a short time it was perceived that his revenue was by no means equal to the demands which were made upon it. The country was oppressed by the severity of his exactions, and instead of being repaired, after the tedious sufferings of war, it was scourged by all the evils of a government at once insatiable and neglectful. When his revenues failed, he had recourse to loans. Money was advanced to him, at exorbitant interest, frequently by Englishmen, and the servants of the Company.

[1] The resolution of maintaining this absolute power is thus clearly expressed in the letter of the Court of Directors, to the Presidency of Madras, dated 24th December, 1765. "The Nabob has hitherto desired, at least acquiesced with seeming approbation, that garrisons of our troops should be placed in his forts: it is not improbable that after a time he may wish to have his protectors removed. Should such an event happen, it may require some address to avoid giving him disgust, and at the same time a degree of firmness to persist in your present plan; but persist you must; for we establish it as a fundamental point, that the Company's influence and real power in the province cannot be any way so effectually maintained as by keeping the principal forts in our hands." See First Report of the Committee of Secrecy, 1781, Appendix, No. 23.—"By being in possession of most of his strong places, the troops being officered by the Company, and the garrisons perfectly under their orders, the Company have it in their power to give law to the Carnatic. Without the concurrence of the Presidency he can do nothing; they are arbiters of peace and war; and even if one of his own tributaries refuse the peshcush, the payment of which they had guaranteed, without them he cannot call him to an account." Letter from Sir John Lindsay, to the President and Council of Madras, 22d June, 1771; Rous's Appendix, p. 368.

He generally paid them by a species of assignments, called in India *tuncaus,* which entitled the holders of them to the revenue of some portion of the territory, and to draw it immediately from the collectors. While his embarrassments were by these means increased, the exactors were encouraged to greater severities. BOOK V. CHAP. 4. 1770.

In this situation the Nabob and the Presidency were both dissatisfied, and both uneasy. Finding his power annihilated, and his revenues absorbed, after feasting his imagination with the prospect of the unlimited indulgences of an Eastern prince, he regarded the conduct of the Presidency as the highest injustice. The gentlemen entrusted at once with the care of their own fortunes and the interests of the Company, for both of which they imagined that the revenues of Carnatic would copiously and delightfully provide, were chagrined to find them inadequate even to the exigencies of the government; and accused the Nabob, either of concealing the amount of the sums which he obtained, or of impairing the produce of the country by the vices of his government.

Upon the termination of the disputes in London, toward the end of the year 1769, between the Ministers of the Crown and the East India Company, respecting the supervisors, and respecting the power of the King's naval officer to negotiate and to form arrangements with the Indian powers,[1] a marine force, consisting of some frigates of war, was commissioned under the command of Sir John Lindsay to proceed to the East Indies: "to give countenance and protection to the Company's settlements and affairs." In conformity with the terms to which the

[1] See the account of these disputes, supra, vol. iii. book iv, chap. ix.

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Company had yielded, they vested Sir John Lindsay with a commission to take the command of all their vessels of war in the Indian seas; and also, on their behalf, "to treat and settle matters in the Persian Gulph."

So far, there was mutual understanding, clearness, and concert. But in addition to this, Sir John Lindsay was appointed, by commission under the great seal, his Majesty's Minister Plenipotentiary, with powers to negotiate and conclude arrangements, with the Indian Sovereigns in general. This measure was not only contrary to what the Company had claimed as their right, against which the Minister appeared to have ceased, for the time, to contend; but it was a measure taken without their knowledge: and Sir John Lindsay appeared, in India, claiming the field for the exercise of his powers, before they or their servants had the smallest intimation that any such powers were in existence.

If there was a danger which must strike every considerate mind, in sending two independent authorities, to act and clash together in the delicate and troubled scene of Indian affairs, a danger inevitable even if the circumstances had been arranged between the Ministers and the Company with the greatest harmony and the greatest wisdom, all the principles of mischief were naturally multiplied, and each strengthened to the utmost, by the present stroke of ministerial politics.

The ground upon which this disputed and imprudent exercise of power appears to have been placed was the eleventh article of the treaty of Paris, concluded in 1763. With a view to maintain peace in India, and to close the disputes between the English and the French, who, according to their own professions, appeared to have nothing else in view but to

determine who was the just and rightful Nabob of Carnatic, who the just and rightful Subahdar of Deccan, it was there decided and agreed, that the two nations should acknowledge Mahomed Ali as the one, and Salabut Jung as the other. It occurred to the ingenuity of practical statesmen, that the King of Great Britain, having become party to an article of a treaty, had a right, without asking leave of the Company, to look after the execution of that article; and hence to send a deputy duly qualified for that purpose. If this conferred a right of bestowing upon Sir John Lindsay the powers of an ambassador; it also conferred the right of avoiding altercation with the East India Company, by taking the step without their knowledge.

The power of looking after the due execution of the eleventh article of the treaty of Paris was not a trifling power.

It included, in the first place, the power of taking a part in all the disputes between the Nabob and the Company's servants; as Mahomed Ali was in that article placed upon the footing of an ally of the King of Great Britain, and hence entitled to all that protection which is due to an ally. The servants of the Company had been at some pains to keep from the knowledge of the Nabob the full import of the new relation in which he was placed to the British throne; as calculated most imprudently to inflame that spirit of ambition and love of independence, with which it was so difficult already to deal, and with the gratification of which the existence in the Carnatic either of his power or of that of the Company was altogether incompatible. The band of Englishmen and others, who surrounded the Nabob, for the purpose of preying upon him, wished of course to see all power in his hands, that they might prey the more abundantly.

BOOK V. CHAP. 4. 1770. They filled every place with their outcries against every restraint which was placed upon him: and in particular had endeavoured, and with great success, to disseminate an opinion in England, that he was an oppressed and ill-treated prince, while the servants of the Company were his plunderers and tyrants.

Nor was this all. As the grand intent of the eleventh article of the treaty of Paris was to preserve peace between the English and other powers in India, and as there is nothing in the relations of one state to another which the care of peace may not be said to embrace, the whole international policy of the British government in India was, by the new ministerial expedient, deposited in the hands of the King's Minister Plenipotentiary.

On the 26th of July, 1770, Sir John Lindsay, after having remained some months at Bombay, arrived at Madras; and at once surprised and alarmed the servants of the Company by the declaration of his powers. In one of their first communications with Sir John, they say, "When you now inform us, you are invested with great and separate powers, and when we consider that those powers, in their operation, may greatly affect the rights of the Company, we cannot but be very much alarmed."[1] To their employers, the Court of Directors, they expound themselves more fully. "To give you a clear representation of the dangerous embarrassments through which we have been struggling, since the arrival of his Majesty's powers in this country, is a task far beyond our abilities. They grow daily more and more oppressive to us; and we must sink under the burthen, unless his Majesty, from a just representation of their effect, will be graciously pleased to recall

[1] Letter to Sir John Lindsay, dated 16th August, 1770, Rous's Appendix, p. 254.

powers, which, in dividing the national interest, will inevitably destroy its prosperity in India. Such is the danger; and yet we are repeatedly told, that it is to support that interest, by giving the sanction of his Majesty's name to our measures, that these powers were granted, and for that alone to be exerted. It has always been our opinion, that with your authority, we had that of our Sovereign, and of our nation, delegated to us. If this opinion he forfeited, your servants can neither act with spirit nor success: for under the control of a superior commission, they dare not, they cannot, exert the powers with which they alone are entrusted. Their weakness and disgrace become conspicuous; and they are held in derision by your enemies."[1]

The first of the requisitions which Sir John Lindsay made upon the President and Council was to appear in his train, when he went in state to deliver to the Nabob his Majesty's letter and presents. They conceived, that, as the servants of the Company had heretofore been the medium through which all communications to the princes of India had been made, and they had been considered in India the immediate representatives of the British Monarch, and the highest instrument of his government, they could not appear in the train of Sir John Lindsay without degradation in the eyes of the natives, and a forfeiture of the dignity and influence of the Company, which, as they had no instructions upon the subject, they did not think themselves at liberty to resign. With the assignment of these reasons, they respectfully signified to Sir John Lindsay the inability under which they found themselves to comply with his request. This brought on an interchange of letters,

[1] Letter to the Court of Directors, dated July 20th, 1771, Rous's Appendix, p. 400.

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which soon degenerated into bitterness and animosity on both sides.[1]

Among the reasons which the President and Council assigned for declining to appear in the train of Sir John Lindsay, they had stated, that any suspicion, disseminated in the country, of the annihilation or diminution of the Company's power "might, at this crisis particularly, prove fatal to the existence of the Company, and the interests of the nation in India: because they were on the brink of a war with the most formidable power in India, which it would require all their efforts to avoid, while they feared that all their efforts would be insufficient."[2] This apprehension was a good deal exaggerated, to serve the present purpose; and the exaggeration yielded an advantage to Sir John Lindsay of which he immediately availed himself. He was very sorry, he said, to find them on the brink of a dreadful war, which was all but inevitable: He pressed upon them the consideration of the importance of peace to a commercial body: And as he was sent out to watch over the execution of the eleventh article, of which peace was the main object, he begged they would lay before him such documents and explanations, as "would make him acquainted with the real state of the Company's affairs."[3] He also informed them, that he was "commanded by his Majesty to apply to them for a full and succinct account of all their transactions with the Nabob of Arcot since the late treaty of Paris; and inquire with the utmost care into the causes of the late war with the Subah of the Deckan and Hyder Ali, and the reasons of its unfortunate consequences."[4] To this point the reply of the President

[1] Rous's Appendix, p. 245—253.
[2] Ibid. p. 248.
[3] Ibid. p. 250.
[4] Ibid p. 253.

and Council was in the following terms: "Duplicates of our records, and very minute and circumstantial details of all our transactions, have already been transmitted to the Court of Directors of the East India Company, our constituents. We have heard, that when an enquiry at home into the state of the Company's affairs was thought necessary, it was signified by his Majesty's ministry to the Court of Directors, that they would be called upon by parliament to produce their records; that they were accordingly called upon by parliament, and did produce them. This, we believe, was a constitutional course; but we have never heard that the Company's papers and records were demanded by, or surrendered to, the ministry alone; for that we believe would be unconstitutional. The Company hold their rights by act of parliament; their papers and their records are their rights; we are entrusted with them here; we are under oath of fidelity, and under covenants not to part with them; nevertheless all conditions are subservient to the laws, and when we shall be called upon in a legal and constitutional way, we shall readily and cheerfully submit ourselves, our lives, and fortunes, to the laws of our country. To break our oath and our covenants would be to break those laws. But we hold them sacred and inestimable, for they secure the rights and liberties of the people." [1]

Corresponding to the jealousy and dislike with which Sir John Lindsay was received by the President and Council, were the cordiality and pleasure with which he was received by the Nabob and those who surrounded him. To the Nabob he explained, that he was come to recognize him as a fellow sovereign with the King of Great Britain, and to afford him the protec-

[1] Rous's Appendix, p. 257.

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tion of that great King against all his enemies. The Nabob, who had a keen Oriental eye for the detection of personal feelings, was not long a stranger to the sentiments with which his Majesty's Minister Plenipotentiary, and the Company's President and Council, regarded each other. He described the President and Council as his greatest enemies; for they withdrew the greater part of his revenue and power. Sir John, who was already prejudiced, and ignorant of the scene in which he was appointed to act, fell at once into all the views of the Nabob, and the crowd by whom he was beset. The Nabob laid out his complaints, and Sir John listened with a credulous ear. The Nabob described the policy which had been pursued with respect to the native powers, by the servants of the Company; and easily made it assume an appearance which gave it to the eye of Sir John a character of folly, or corruption, or both. He drew the line of policy which at the present moment it would have gratified his own wishes to get the Company to pursue; and he painted it in such engaging colours, that Sir John Lindsay believed it to be recommended equally by the sense of justice, and the dictates of wisdom. The King's Commissioner, measuring his own consequence by that of the master whom he served, and treating the Company and their servants as not worthy of much regard, on the score either of wisdom or of virtue, widened the difference between the partnership sovereigns of the Carnatic. The royal functionary assumed the character of protector of the Nabob; and appeared to interpose the royal authority, between an ally of the crown, and the oppression of the Company. The contempt which the Nabob saw bestowed upon the authority to which he had been accustomed to bend, and the dignity to which he appeared to be exalted as an ally

of the British King, augmented his opinion of the injustice under which he appeared to himself to groan; and the letters of the Commissioner to the ministers in England were filled with accounts of the oppression exercised by the insolent and rapacious servants of a counting-house, over an independent and sovereign prince. The feeble discernment which has generally scanned the proceedings of the East India Company, and which has often lavished upon them applause where their conduct has been neither virtuous nor wise, has almost uniformly arraigned them for not accomplishing impossibilities, and uniting contrary effects; for not rendering themselves powerful and independent, without trenching upon the power and independence of princes, who would suffer their power and independence, only in proportion as they were deprived of those attributes themselves. Beside this fundamental consideration, it was not to be disputed, that, left to himself, Mahomed Ali could not maintain his possession of the province for even a few years; and that nothing but the power of the English could prevent it from falling a prey to the neighbouring powers, or even to its own disorganization. Though it is not disputed that the rapacity of individuals, who preyed upon the Nabob, may have added to the disorder of his affairs, it is true that the poverty of the Carnatic, and the wretched administration of the Nabob, enabled it not to fulfil the golden hopes of the English, or even to provide for its own necessities.[1]

When the President and Council described themselves as on the brink of a war, the circumstances to which they alluded were these. In the second article of the treaty which was concluded with Hyder Ali,

[1] See Rous's Appendix, No. 17, *passim*.

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in 1769, it was agreed; "That in case either of the contracting parties shall be attacked, they shall, from their respective countries, mutually assist each other to drive the enemy out;" and the party in aid of whom the troops were employed, was to afford them maintenance at a rate which was mutually determined. This was a condition so highly esteemed by Hyder, that all hopes of an accommodation with him, on any other terms, were, at the time of the treaty, regarded as vain.

Within a few weeks Hyder endeavoured to persuade the English of the great advantage which he and they would derive from uniting Janojee Bonsla with them, in a triple league. He also informed them of his intention to recover from Madhoo Row, the Peshwa, certain possessions which that invader had wrested from him two years before; and requested that they would send him a certain number of troops, no matter how small, merely to show to the world the friendship which now happily subsisted between the English and him. The Presidency, pointing out in what manner this, to which the treaty did not bind them, would be an act of unmerited hostility against the Mahrattas, declined compliance with his request.

Early in 1770, the Mahrattas invaded his country; and again he solicited assistance, if it were but a few troops, for the sake of the manifestation on account of which he had requested them before. If a more substantial aid was afforded, he professed his readiness to pay three lacs of rupees. It was not very easy for the English now to find a pretext. They evaded, procrastinated, and withheld rather than refused compliance with his desire.

The Mahrattas reduced Hyder to great difficulties, nay dangers; and seemed resolved to annex his do-

minions to their spreading conquests. During this period of his distress, in which he was obliged to abandon the open country, and to depend upon his forts, he endeavoured to persuade the English that their own interest was deeply concerned in combining with him against the Mahrattas, who would touch upon their frontier, and present them a formidable neighbourhood, if the barrier which he interposed were broken down.

The Mahrattas, too, very earnestly pressed for the assistance of the English. They had, indeed, by weight of superior numbers, driven Hyder from the open country; but the protection of his strong holds enabled him still to hold out, and they saw the time rapidly approaching, when the exhausted state of the country would compel them to retire for want of the means to support their army. The skill, therefore, which enabled the English to subdue the strongest places with a rapidity which to them appeared like magic rather than natural means, they regarded as a most desirable acquisition. To attain this object, they endeavoured to work upon the fears of the Nabob; and in their communication with him threatened to invade the Carnatic, unless the English complied with their desires.

The difficulties on the part of the President and Council were uncommonly great. They state their view of them in their consultations, on the 30th of April, 1770. Their assistance would enable the Mahrattas indeed to prevail over Hyder, but of all events that was, probably, the most alarming; the Mahrattas would in that case immediately adjoin Carnatic, with such an accumulated power, as would enable them to conquer it whenever they pleased; and what, when they had power to conquer, the Mahrattas would please, nobody acquainted with

India entertained any doubt: If they assisted Hyder; that was immediate war with the Mahrattas, accompanied with all its burdens and dangers: It was not clear, that both united could prevail over the Mahrattas; and if they did, the power of Hyder would bring along with it a large share of the dangers to which they would be exposed from the Mahrattas, if sovereigns of Mysore: If they stood neuter, and thereby offended both parties; either Hyder or the Mahrattas, most probably the latter, would prevail; and in that case the victor, whoever he was, would wreak his vengeance on the rulers of Carnatic. Amid these difficulties they conceived it their wisest policy after all to remain neuter; to gain time; and take up arms, only when the extremity could no longer be shunned.

The views and wishes of the Nabob were exceedingly different. He was bent upon forming an alliance with the Mahrattas. In the first place, he had a personal antipathy to Hyder Ali, which in a mind like his was capable of weighing down more respectable motives, and made him express extreme reluctance to join or see the English concur in any thing favourable to Hyder. In the next place, the Mahrattas were successful in working upon the short-sighted ambition of the Nabob, with the promise of splendid gifts of territory, which, if they had the power of giving, they would also have the power of resuming at pleasure. But in the third place, he expected, according to the opinion of the President and Council, to place the English government by means of the alliance with the Mahrattas in a state of dependance upon himself; and that was what he valued above all other things. "Once engaged in the war," said they, "we are at the Nabob's mercy, for we have no certain means of our own. Enter, we are told,

into an engagement with the Mahrattas; engage to assist them in the conquest of the Mysore country, and they will cede to the Nabob the Ghauts, and all the countries dependant on Mysore on this side the Ghauts. If we enter into such a measure, utterly repugnant to every order and every idea that has been suggested to us by our employers, we cannot see any end to the consequences, but utter ruin; we must thenceforth follow the schemes of the Mahrattas and the Nabob, wheresoever they shall please to drag us, be it to place the Nabob on the musnud of Deckan or to subjugate the whole peninsula."

Sir John Lindsay adopted completely the views of the Nabob with regard to the Mahratta alliance: nor was there any reproach, or exhortation, or threat, which he spared, to entice or to drive the Presidency into that measure.

The ministry, it would appear, became in some degree alarmed at the accounts which they received of the contentions which prevailed between the King's minister plenipotentiary, and the servants of the Company in India; and they thought of an expedient; which was, to change the person, and leave the authority. Sir John Lindsay was recalled, and Sir Robert Harland, with an addition to the marine force, was sent to exercise the same powers in his stead.

Sir Robert arrived at Madras on the 2d of September, 1771. Sir Robert took up the same ideas, and the same passions exactly, which had guided the mind of Sir John Lindsay; and the only difference was, that he was rather more intemperate than his predecessor; and of consequence created rather more animosity in his opponents.

The progress of the Mahrattas had become still more alarming. In the month of November, they

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were in the possession of the whole of Mysore, excepting the principal forts. They had advanced to the borders of Carnatic; and some straggling parties had made plundering incursions. They openly threatened invasion; and it was expected that about the beginning of January when the crops would be ready, they would enter the country. The Nabob was, or affected to be, in the utmost alarm; and Sir Robert Harland urged the Presidency to accept the terms of the Mahrattas, who bid high for assistance on the one hand, and threatened fire and sword on the other. In this trying situation the Presidency vent the most bitter complaints, at being left by the Court of Directors, totally without instructions.[1] Nevertheless, "although we have not yet," say they, "had any answer from our constituents, to the repeated representations of the embarrassments we labour under for want of their clear and precise instructions with respect to our conduct in the present critical situation of affairs; yet it is evident from the whole spirit of their orders for some years past, that they look upon the growing power of the Mahrattas with jealousy and apprehension." From this; from an adoption of the same sentiments; from a regard to the treaty with Hyder, which rather required them to assist than allowed them to join in destroying that sovereign, and from a regard to the opinion of the

[1] "It is with infinite concern the Committee observe that notwithstanding their repeated and earnest representations to the Court of Directors, of the very critical situation of affairs with respect to the Mahrattas and Hyder Ally, which were so fully and clearly explained in order to enable them to give us their sentiments and orders with respect to the conduct they would wish us to observe in so important and interesting a matter, we still find ourselves not only without orders, but without the least intimation of their opinion thereon." Select Consultations, 29th November, 1771; First Report, Committee of Secrecy in 1781, Appendix, No. 21.

other Presidencies, they determined not to comply with the exhortations or commands of Sir Robert. They would have thought it advisable on the other hand to support Hyder as a barrier against the Mahrattas, had not the opposition of the Nabob, supported as he was by the minister of the King, placed it, for want of resources, out of their power. They determined, therefore, to remain neutral; and only to collect a body of troops in some central position, where they might best protect the country in case of an attack, and distress the enemy by cutting off their supplies.

The Mahrattas, notwithstanding their threats, had not, it would appear, any serious intention of invading Carnatic; for in the month of January, 1772, the Nabob and Sir Robert, finding the Presidency inflexible against their project of alliance, found the means of prevailing upon them to promise a cessation of hostilities till the pleasure of the British King should be known.[1] The Mahrattas were afraid of provoking the English to join Hyder Ali; and they began now to feel their situation abundantly uneasy. The activity and capacity of that great leader were still able to give them incessant annoyance; and the country was so excessively ravaged and exhausted, that the means of subsisting an army could no longer be found. They became, therefore, desirous of an accommodation; and in the beginning of July consented to a peace, for which, however, they made Hyder pay very dearly, both in territorial and pecuniary sacrifices.[2]

[1] That they gave money and gave largely, appears plainly from a letter in Rous's Appendix, p. 952.

[2] See First Report, ut supra, p. 28, and Appendix, No. 20, 21, 22, 23; and the Papers published by the Directors in Rous's Appendix, No. 17 and 28.

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If a judgment may be formed from this instance, the chance for good government in India, if the ministers of the crown were to become, and the East India Company cease to be its organ, would undergo an unfavourable change. The course into which the ministers of the crown would have plunged the nation bears upon it every mark of ignorance and folly; that which was pursued by the East India Company and their servants is eminently characterised by prudence and firmness.

Amid the pecuniary wants of the Nabob and the Presidency, both had often looked with a covetous eye to the supposed riches of the King of Tanjore. They considered the natural fertility of his country, and its general exemption from the ravages of the war which had desolated the rest of the province; but they did not consider that the temporizing policy by which he had laboured to save himself from the resentment of all parties, had often cost him considerable sums; that the wars which raged around and perpetually threatened himself, had imposed upon him the maintenance of an army, as great as he could possibly support; that the country which he governed, though fertile, was small; that the expense of a court aims to be as grand in a small as an extensive country; that the expense of protecting a small country is comparatively heavy; that hardly any government has ever yet been so good, as not to expend as much as it could possibly drain from its subjects; and that the government of Tanjore was a true specimen of the ignorance and rudeness of the Hindus.

In the war with Hyder, the Rajah of Tanjore had not only contributed less both in troops and treasure to the maintenance of the war than was expected of him, but was known to have held a correspondence

with Hyder; and if he did not afford, at any rate promised assistance. Without making any allowance for the current policy of the feeble princes in India, who aim at contributing as little as possible to the wars of the greater powers, from which they see not that they have any thing to gain, and by professions of friendship for both parties, to avert the dangers of their resentment, the Company and the Nabob were sufficiently disposed to have treated the Rajah as a faithless ally. In the treaty, however, which they concluded with Hyder in 1769, they insisted upon including the Mahratta chieftain Morari Row, whose territories would have formed a convenient conquest for Hyder; and he refused to accept the condition, unless the Rajah of Tanjore was admitted to the same protection. That the Rajah might not appear to owe his safety to the interposition of Hyder, the English pretended to regard him as their partisan, and included him in the treaty as their own ally.

In their letter to the Select Committee at Fort St. George, dated 17th March, 1769, the Court of Directors said, " It appears most unreasonable to us that the Rajah of Tanjore should hold possession of the most fruitful part of the country, which can alone supply our armies with subsistence, and not contribute to the defence of the Carnatick. We observe the Nabob makes very earnest representations to you on this subject, wherein he takes notice that the Zemindars of the Carnatick have been supported, and their countries preserved to them by the operations of our forces employed in his cause; and that nothing was more notorious, than that three former princes of the Carnatick had received from the Tanjore Rajah seventy, eighty, nay even one hundred lacs of rupees at a time. We therefore enjoin you to give the Nabob such support in his pretensions as may be

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effectual; and if the Rajah refuses to contribute a just proportion to the expense of the war, you are then to pursue such measures as the Nabob may think consistent with the justice and dignity of his government. Whatever sums may, in consequence of the above orders, be obtained from the Rajah of Tanjore, we expect shall be applied to the discharge of the Nabob's debt to the Company; and if more than sufficient for that purpose, to the discharge of his debts to individuals."[1]

Upon this injunction of the Court of Directors, the Select Committee deliberated on the 13th of September, 1769. "With regard," they say, "to the demand recommended to be made on the King of Tanjore, our situation at this time is such, for want of money, that, if there were no other obstacles, that alone would put it utterly out of our power to undertake an expedition against him. The treaty of 1762 being before the Hon. Court; considering also, on the other hand, the late conduct of the King of Tanjore, we certainly should not postpone an undertaking so warmly recommended, if it were in our power now to attempt it consistently with good policy and the safety of the Carnatic. But as the case is, were the difficulty of money out of the question, it would become a point of serious consideration, whether an attempt upon Tanjore might not again involve us in a war with Hyder Ally, as the Rajah is expressly included in the treaty lately made with Hyder Ally Khan. However unreasonable it may be, that he should enjoy the benefits derived from the government of the Carnatic, without contributing his proportion of its expense; and however impolitic, and contrary to the natural rights of government, to

[1] Official Papers, in Rous's Appendix, p. 525, 526.

suffer such a power to remain independent in the heart of the province, we must submit to necessity, and the circumstances of the times. He has indeed lately made some objections by his letters to the payment of his annual peshcush, alleging in excuse the great expense of the troops sent to join our army; although, as the Nabob informs us, it be contrary to the custom of the country for tributary princes to make any demands for the charges of troops furnished to the power to whom they are tributary, while employed within the districts dependant on such power. Should he persist in requiring an abatement in the peshcush due on account of his late charges, it might furnish us with a just pretext to accuse him of a breach of his engagements, and to take our measures accordingly when our situation will admit of it. But as the case now is with us; under difficulties to provide the money necessary even for our current expenses; doubtful of the intentions of the Mahrattas; suspicious of the designs of the Subah; and apprehensive of the King of Tanjore's calling upon Hyder for aid, and thus raising a fresh flame, the Committee are clearly of opinion, that at this juncture the undertaking would be impolitic and unwarrantable."[1]

The Rajah had urged, that, instead of having any money, the late expenses, which was the fact, had involved him deeply in debt; and he prayed, if a remission could not be granted, at any rate for a delay in the payment of the exacted tribute; an indulgence to which the expense incurred by him in sending troops to assist in the wars of the Nabob afforded, he thought, a reasonable claim.[2]

Early in the month of February, 1771, the Presidency received intelligence that the Rajah of

[1] Papers, ut supra, p. 631. [2] Ib. p. 563, 564.

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Tanjore was setting out upon an expedition against one of his neighbours the Polygar of Sanputty, one of the Marawars. On the 14th of February, the President wrote to the Rajah, that as Marawar belonged to the Nabob, as a dependency of the Carnatick, it was contrary to the treaty between the Rajah and him, to make war upon that country, and that, as the English were guarantees of that treaty, it was their duty to request he would relinquish his design.[1]

The Rajah represented that Hanamantagoody was a district of country which did belong to the King of Tanjore, and was actually in his possession at the time of the conclusion of the treaty of 1762; that it had been unjustly seized by the Marawar chief, while the armies of Tanjore were engaged in the service of the Nabob; that the King of Tanjore, at the time when the Nabob was setting out upon his expedition to Madura, had represented the necessity of wresting back this territory from the Marawar, but the Nabob professed to have undertaken the expedition against Madura only upon the strength of the assistance which he expected from his dependants, and therefore requested execution of his design might be delayed, till that expedition was accomplished; that he had represented the necessity of recovering the territory in question to the President himself, who had offered no objections. "For these reasons," said he, "I was in hopes to this day, that the Nabob and your honour would give strict orders to Marawar to restore our country. I also wrote to my vackeel on that head. But you and the Nabob did not get the country restored to me. Besides which, when the elephants relating to my present from Negapatnam were coming, Nalcooty,[2]

[1] Papers, ut supra, p. 574.

[2] The Little Marawar.

pretending that the vessel was driven on shore by a storm in his seaports, seized the said elephants, and detained them; concerning which I sent him word, as well as to your honour; but he did not return them to me. If I suffer Marawar to take possession of my country, Nalcooty to seize my elephants, and Tondiman to injure my country, it will be a very great dishonour to me among my people, to see such compulsions used by the Polygars. You are a protector of my government: Notwithstanding, you have not settled even a single affair belonging to me: If I stay quiet, I shall greatly hurt my dignity: Wherefore, I marched myself. If you now advise me to desist, what answer can I give? In the treaty, it was not forbidden to clear the country possessed by Marawar, or to undertake any expedition against the Polygars, who may use compulsions. Since it is so, it cannot be deemed contrary to the treaty."[1]

The Presidency urged that, whatever was the truth with regard to the facts set forward by the Rajah, he knew that they were disputed by the Nabob; and for that reason was guilty, because he had taken upon himself to be judge and executioner in his own cause, when he ought to have reserved the decision to the English government. In his defence the Rajah observed; "You was pleased to write, that if I desist in my present expedition, you will then settle the affairs in a reasonable manner. I continued to speak to you for this long time concerning this affair, but you have not settled it. Notwithstanding, if you now write that I did not acquaint you before I began it, what answer can I make to it? I did not undertake to do any thing contrary to the hereditary custom observed."[2]

[1] Papers, ut supra, p. 608, 614.

[2] Ibid. p. 645 and 609.

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The Nabob called upon the Presidency, with unusual force and boldness of importunity, to make war upon the Rajah; as the honour of his government was concerned in chastising a refractory dependant; and the honour of the Company's government was concerned in supporting a faithful ally. Sir John Lindsay vehemently urged the same conclusions, not without reproaches that the Presidency were betraying the Nabob, and violating their duty, by even deferring the assistance which he required.[1]

On both hands the Presidency were assailed by the greatest difficulties. There was imminent danger that the views of Sir John Lindsay, who was the creature of the ministry, would prevail at home; and that the Council, should they refuse to join with the Nabob, would be condemned, punished, and disgraced. They were restrained, on the other hand, by the consideration of the want of money, of the improbability of receiving sufficient funds from the Nabob, of the danger, while the troops were engaged in a distant quarter, of an attack upon the Circars by the Nizam, and of a war with the Mahrattas, with whom the King of Tanjore was allied, and who already hung over the Carnatic with alarming menaces. They believed that, beside the Nabob's old passion for the conquest of Tanjore, he was at present stimulated by the desire of that part of the Mysore country which lay on the Carnatic side of the passes; and which he had been promised by the Mahrattas, as the price of the assistance which they wished to receive; that he now despaired of being able to persuade the English to give that assistance; but expected, if he could inveigle them into a war with the King of Tanjore, that they would then be glad to form an

[1] Papers, ut supra, p. 579, 283

alliance with the Mahrattas, in order to escape the calamity of their arms. In these circumstances the Governor and Council bitterly complained, that they were left by their honourable masters, with instructions and orders which might be construed all manner of ways; and that, whatever course they took, they were sure of condemnation if they failed, could expect approbation, only as a consequence of success.[1] They resolved to collect as much of the army and of military stores, at Trichinopoly, as could be done without appearing to prepare for war; and to abstain from hostilities unless unavoidably involved in them.

Inquiring into the supposed dependance of the Marawar country, the Presidency found, that both Tanjore and Trichinopoly had alternately made use of their power to set up and put down the chiefs of Marawar. But in conclusion, " it appears," they said, " to us, that the only right over them is power, and that constitutionally they are independent of both; though Trichinopoly, since it has been added to the government of the Carnatic, having been more powerful than Tanjore, hath probably received more submission from them." Between states in India, " power," they remark generally, " is the only arbitrator of right; established usage or titles cannot exempt one state from a dependance on another, when superior force prevails; neither can they enforce dependance where power is wanting."[2]

These reasonings and conclusions, with regard to Tanjore, bear date in the records of the Presidency

[1] See these considerations balanced, and this severe condemnation, passed upon their employers, Papers, ut supra, p. 662, 663, 666, 679.

[2] Ib. p. 682, 682*. According to this account, there is no constitution in India but the law of the strongest. The fact is important; and has often (I should not err much if I said always) been mistaken, by the inaccurate minds, which hitherto have contemplated Indian affairs.

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from the beginning of February to the end of March. On the 12th of June, when Trichinopoly was sufficiently supplied with stores for defence, and the question was to be determined whether more should be sent, the Nabob dissuaded any further preparations; alleging that the Mahrattas would never give the necessary respite for undertaking an expedition against Tanjore, and that to him every article of expense, however small, was an object of importance. Upon this, the Presidency express themselves in the following terms: "When we consider the earnest and repeated solicitations urged by the Nabob to engage us in an expedition against Tanjore; when we consider the taunts and reflections cast on us by Sir John Lindsay for refusing to comply with the Nabob's requisition of proceeding immediately against Tanjore at a time when we were unprepared; when we consider that our apprehensions from the Mahrattas are not now near so great, since most of the grain is now collected in the different forts, which would render it difficult for an army of Mahrattas to subsist: all these circumstances considered, it appears strange that the Nabob should so suddenly alter his opinion, and should now decline entering on the expedition, which he so lately and so earnestly urged us to undertake." They conjectured, that, as his grand motive for urging the expedition at first, was to force them into an alliance with the Mahrattas, so now, despairing of that event, he wished not to give the Mahrattas a pretext for overrunning his dominions.[1]

On the 24th of July, the Committee resolved, first, that an expedition against the Rajah would, in itself, be adviseable, but being contrary to the inclinations of the Nabob ought not to be undertaken:

[1] Papers, ut supra, p. 684, 685.

secondly, that negotiation should be used instead of war, and that the negotiation, in which the Nabob wished the English not to appear, should be left to be conducted by that ostensible prince.[1]

No sooner was conference attempted than the Rajah declared, that he had already "referred all differences between him and the Nabob to the Company, and that he wished the Company would mediate between them; that he was ready and willing to settle terms of accommodation under the guarantee of the English, on whose faith and promise he would rely; but that he would never trust the Nabob without the security of the English, as he well knew the Nabob's intentions were to accommodate matters for the present, but that he had bad intentions whenever an opportunity should offer in future."[2]

On the 29th of July, the demands of the Nabob were presented to the Rajah's vakeel at Madras; but as he required fifteen or twenty days to receive the instructions of his master, and as the distance of Madras would aid the Rajah in spinning out the time till the commencement of the rains, the Nabob proposed to send his two sons to Trichinopoly; the eldest, Omdut ul Omrah, to conduct the negotiations; and the younger, Mader ul Mulk, to manage the supply of the army; while the negotiation, he thought, should be supported, by the show of inevitable war, if the Rajah declined implicit submission.[3]

Now was required a decision on the question, what, if the war should issue in a conquest, was to be done with Tanjore. The Presidency knew, that the grand cause of the reluctance which the Nabob had latterly shown to the war, was a fear lest the Company should conquer Tanjore for themselves; and, that

[1] Papers, ut supra, p. 696. [2] Ibid. 717. [3] Ibid. 718, 720.

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there was no accommodation, how unfavourable soever, which he would not make with the Rajah, rather than incur the hazard of so hateful a result. The Nabob offered to give to the Company ten lacs of pagodas, if, after conquering, they delivered Tanjore, in full dominion, to him. The Presidency wished to reserve the question to the proper authorities in England, but the Nabob would not consent. The Presidency imagined, that as they had now convinced the Rajah of the hostile designs both of themselves and Nabob, it was highly dangerous to leave him possessed of power, which he would have an interest in lending to the French, or any other enemy; and as they could not proceed to war, except with consent of the Nabob, it was therefore best to comply with his terms.[1]

Early in September, the young Nabob, (such was the name by which the English generally spoke of Omdut ul Omrah) who had repaired to Trichinopoly, to conduct the negotiation, reported to General Smith, the commander of the English troops, that nothing but compulsion would bring the Rajah to the submission required. The army was ready to march on the 12th of September; but the department of supplying the army had been intrusted wholly to the Nabob's second son; and it was found upon inquiry that there was not rice in the camp for the consumption of a single day.[2]

The greatest exertions were made by the general to enable the army to move; and on the 16th it arrived before Vellum, a fortress of considerable strength, and one of the great bulwarks of Tanjore. The battery, having been constructed first in a wrong place, was not ready till the morning of the 20th;

[1] Papers, ut supra, p. 726—731.

[2] General Smith's Letter, ibid. 742.

and the breach could not have been made practicable till about three o'clock the next afternoon, but towards evening the garrison stole out of the fort.[1]

On the 23d the army again marched, and encamped before Tanjore. They broke ground late on the evening of the 29th, and by that time began to be distressed for want of provisions. On the 1st of October, the enemy made a strong sally, which threatened to have considerable effects; but Major Vaughan, the officer against whose post it was directed, acted with firmness and judgment, and the attack was repelled without much loss. The operations proceeded but slowly. The 27th of October had arrived, when the engineers reported that the breach would be practicable the next morning. On that day the young Nabob signed a peace with the Rajah, and hostilities ceased.[2]

The Rajah engaged to pay eight lacs of rupees for arrears of peshcush; 30,50,000 for the expense of the expedition; to restore whatever he had taken from the Marawars; and to aid with his troops in all the wars of the Nabob. Vellum was the principal difficulty. It was finally agreed, that it should be restored to the Rajah, but demolished if the Nabob chose.

Before this event, a dispute had arisen about the plunder. Omdut ul Omrah was informed, that, by the usage of war, the plunder of all places, taken by storm, belonged to the captors. Omdut ul Omrah, unwilling to lose the plunder of Tanjore, offered a sum of money in lieu of it to the troops. His offer was not satisfactory; and a disagreeable and acrimonious correspondence had taken place. By concluding a peace, before the reduction of the fort, any

[1] Papers, ut supra, p. 744—750.
[2] Ibid. 755—790.

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1771. The Presidency were struck, as they say, with "alarm," when, expecting every hour to hear of the fall of Tanjore, they were accosted with the news of the conclusion of a peace. They expressed the greatest dissatisfaction with the terms, which ought, in their opinion, to have been nothing less than the surrender of the fort at discretion. The terms were not only inadequate, but no security, they said, was provided for the execution of them such as they were. On this account they held it necessary to keep themselves prepared as for immediate war. Orders were sent not to give up Vellum without farther instructions. The expectation was entertained, that the Rajah would not be exact to a day in the delivery of the money and jewels he had agreed to resign. This happened. The want of punctuality was pronounced a breach of the treaty; the guns had not yet been drawn out of the batteries; and the troops were under the walls of Tanjore: the fort of Vellum, and the districts of Coiladdy and Elangad, were demanded: a renewal of hostilities was threatened as the only alternative: the helpless Rajah could do nothing but comply.[2]

In averting from themselves the effects of this disapprobation, the General stated, that he communicated to Omdut ul Omrah the progress of the siege, and the great probability of success; that he had no control over the negotiation, and was bound by his instructions to desist from hostilities the moment the Nabob desired: on the other hand, Omdut ul Omrah affirmed, that he took not a step without consulting the General; that the troops were under the

[1] Papers, ut supra, p. 827. [2] Ibid. p. 930, 931.

greatest apprehension on account of the rains which had begun; that when the breach was partly made, he stated the terms to which the Rajah had yielded, declaring that he would not accept them, if the fall of the place were assured; that the General replied, he could not say he *would* take the place, but he would endeavour to take it; that being asked his opinion, whether the Rajah would give such terms as he now offered, if the siege were unsuccessful, the General said, "My opinion is, that in that case he will give you nothing, but if he does he is a great fool;" that when asked if he would guarantee equivalent terms in case the enterprise miscarried, he repelled the proposal; that when peace was then held up to his view, as what in that case appeared the most politic choice, he replied, "It was well; it was at the Nabob's option."[1]

Before all things were settled with Tanjore, the Nabob made application for the Company's forces to reduce the two Marawar Polygars. The Governor and Council, in their letter upon this to the Court of Directors, make the following pertinent remarks: "It is well worthy of observation that Marawar and Nalcooty are the two Polygars whom the Rajah of Tanjore attacked in the beginning of the year, asserting their dependance on his government; while the Nabob claimed the right of protecting them, as tributaries to the government of Trichinopoly. It was in this cause that the late Plenipotentiary[2] took the field of controversy; asserted the Nabob's pretensions to us, who did not deny them; exaggerated the outrage of the Rajah of Tanjore in taking arms against them; and extolled their obedience and submission to the Nabob's government: and he will say, he

[1] Papers, ut supra, p. 803, 857.

[2] Sir John Lindsay.

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compelled us to vindicate the Nabob's dignity. What honours are due to the minister's zeal for his *friend's* cause! mark now the reasoning of that *friend:* the Rajah humbled; Marawar and Nalcooty, from obedient dependants, become immediately dangerous and ungovernable delinquents; and there can be no safety to the Nabob's government unless they are reduced."[1]

Notwithstanding the contradiction which the Presidency thus remarked in the pretexts of the Nabob, they consented, without any difficulty in this case, to undertake the expedition. The season of the rains of necessity delayed their operations; but in the mean time inquiries were made; terms were settled with the Nabob; and the army was kept ready at Trichinopoly, the nearest of the stations to the place of attack.

The Nabob imputed no other crime to the Marawars, except their not sending troops to the late war upon Tanjore, and not paying the money which he exacted of them. And the Presidency acknowledged that he had no right over them whatsoever, but that right of oppression, which is claimed by the strong man over the weak. The reason for concurring with the Nabob in his desire to attack them, was, that the Nabob, by his ill usage, had made them his enemies. They concurred, they said, "not to gratify the Nabob's revenge on those Polygars; but because, if they were not originally and naturally, he has made them his enemies; and therefore it is necessary they should be reduced. It is necessary; or it is good policy they should. We do not say it is altogether just, for justice and good policy are not often related."[2]

The objects, however, of the Nabob and of the

[1] Tanjore papers, ut supra, p. 1082.

[2] Ibid. p. 969, combined with p. 1085, par. 54.

Company were somewhat different. The ardent passion of the Nabob was to destroy every creature who bore any rule in the country, and place the whole under his own immediate authority. The intention of the Company was by no means to proceed to "the total extirpation of the Polygars; but only to reduce them to such a state of dependance, by seizing their forts and strong holds, as might prevent their being troublesome in future." [1]

The Nabob's application for reduction of the Marawars was made at the beginning of November, 1771; at the beginning of December, when the concurrence and views of the Presidency, were understood, he recommended, if not a dereliction, at any rate a suspension of the design, for fear of the Mahrattas; and at the beginning of March, 1772, he renewed his application for undertaking the expedition. On the 12th of May, a force, consisting of 120 artillery-men, 400 European infantry, three battalions of sepoys, six battering cannon, a body of the Nabob's cavalry, and two of his battalions of sepoys, marched from Trichinopoly, accompanied by Omdut ul Omrah, who was deputed by his father to conduct all operations, not military, connected with the expedition. They arrived, having met with no opposition, at Ramnadaporam, the capital of the greater Marawar on the 28th. The batteries were opened in the morning of the 2d of April, and a practicable breach was effected before the evening. This time a bargain had been made with the Nabob, that he should not forestall the wishes of his allies, by the precipitate conclusion of a peace. Terms were, however, offered both by Omdut ul Omrah and the General, which, notwithstanding their inadequate means of resistance,

[1] Tanjore papers, ut supra, p. 1081.

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the people of the Polygar refused. The fort was assaulted the same evening, and carried with the loss of only one European and two sepoys killed. The Polygar, a minor of only twelve years of age, with his mother, and the Duan, were taken in the place; and soon reduced to a situation which extorted the compassion of Englishmen. The Nabob bargained for the plunder by a sum of money to the troops.[1]

The Nabob's troops, before the 15th of June, were put in possession of all the forts in great Marawar; and on the 16th, the army began its march toward the other principality of that name. The Polygar had betaken himself to a strong hold, named Kala-Koil, or Carracoil, surrounded by thick woods, which they approached on the morning of the 23d. An English officer, with a detachment of the army, was sent to approach by a road, on the opposite side, with a hope, either of drawing off some of the enemy's attention, or of finding an opportunity to enter by surprise. In the mean time submissive offers arrived from the Polygar. To guard against any stratagem to amuse, the advance of the troops was not interrupted till the morning of the 25th, when Omdut ul Omrah gave the General notice that peace was concluded, and requested that orders might be sent to stop the detachment. The orders, it seems, were intrusted to the Polygar's vakeels; the Polygar's vakeels, it is said, used not the requisite diligence; at any rate the sending of the orders was unhappily if not criminally mismanaged; the detachment advanced; found the Polygar reposing upon the security of the treaty, and totally off his guard; with scarcely any resistance it entered the place, and the Polygar was killed while endeavouring to escape at one of the

[1] Papers, ut supra, p. 1081—1083, and 998.

gates. The Nabob, here too, gave a sum of money in redemption of the plunder. And these sums became the subject of immediate animosities and disputes, among the parties by whom pretensions to a share of them were advanced.[1]

The settlement of the territory was rendered difficult, by excess of misgovernment. The people of the country, who had facilitated the conquest by remaining at their ploughs, and who expected equal indulgence under one despot as another, were turned out of their lands, and took arms all over the country. "I must represent to you," said the English officer, who was left to support Omdut ul Omrah, (these are the words of a letter addressed to the Council,) "that the settling this country in the manner expected by the Nabob, requires extremities of a shocking nature. When we are marching, we find all over the country most villages abandoned by the men, there remaining in them only women and children, who, likely if the Nabob persists in this undertaking, must, with other poor innocents, become a sacrifice to this conquest: For, if any of our baggage remain behind, it is usually taken; our parties and stragglers are attacked. This is done by the inhabitants of some village or other. Those villages being pointed out to me, I cannot pass the outrage without punishment; and not finding the objects on which my vengeance should fall, I can only determine it by reprisals: which will oblige me to plunder and burn those villages; kill every man in them; and take prisoners the women and children. Those are actions which the nature of this war will require: For, having no enemy to encounter, it is only by severe examples of that kind, that we may expect to terminate it, so as to answer the end proposed."[2]

[1] Papers, ut supra, p. 1063—1065, 1006, 1037. [2] Ibid. p. 1058.

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Complaining, that they were left without any specific instructions by the Court of Directors, that they were commanded generally to support the Nabob in all his pretensions, that they were blamed as not having given him sufficient support, that they were bullied by the Plenipotentiaries to support him more than they could believe was either expedient or safe, the Governor and Council alleged that they were led on by that friend and ally from one step to another, without knowing where to stop, and without being able to make those reservations in favour of the Company which the interests of the Company appeared to require: In this manner had Tanjore been humbled and fleeced: In this manner the two Marawars had been conquered, and delivered up as a dominion to the Nabob. It must be allowed, that except for a little time when he first demanded the attack on Tanjore, the Presidency had shown themselves abundantly forward to second, or rather to excite the Nabob's ardour for conquest of the minor states. The Nabob had only one scruple, the fear of their conquering for themselves. The declarations however, of the Presidency, of the Directors, and the King's minister plenipotentiary, the interpretations of the treaty of Paris, and especially the recent example in the surrender of the Marawars, raised up a hope in his Highness that the time was at last arrived when the long desired possession of Tanjore might be fully acquired.

In a conference with the President about the middle of June, 1773, the Nabob brought complaint, that there was now due from Tanjore about ten lacs of rupees, that the Rajah had applied to the Mahrattas and to Hyder for a body of troops, and had encouraged the Colleries to ravage part of the Carnatic territory: and intimated his intention of sub-

duing him; all which he desired the President to consider of.[1]

After a few days, at another conference, "the Nabob expressed his earnest desire that the expedition should be undertaken; spoke much of his friendship to the Company; and to show his regard for them was willing, in case of success, to give them ten lacs of pagodas."[2]

As the question immediately occurred, what, in case the expedition was undertaken, was to be expected from, or done with, their neighbours, Hyder, and the Mahrattas; a curious change appeared in the sentiments of the Nabob. A friendship, he said, must be established between him and Hyder; for notwithstanding all that he had done to procure for the Mahrattas the benefit of English assistance, "yet he found they were not fair and open towards him at Poonah;[3] and that whether he reduced Tanjore or did not reduce it, they would still come against him when it suited their affairs; that by God's blessing, however, if he and Hyder were joined, they would, with the assistance of the English, keep the Mahrattas effectually on the other side of the Kistnah."[4]

On the 22d of June, the question underwent deliberation in the Select Committee. As to the complaint about the moneys unpaid, the Committee pass it over as a matter of slight importance. And as to the other complaint, that the Rajah was looking to the neighbouring powers for support against the Nabob, of which they had before them no satisfactory

1 Papers, ut supra, p. 1107.

2 President's Report to the Select Committee, Ibid. 1108.

3 His not getting for them assistance from the English, he represented as the cause of their want of friendship, since they believed (of course he had told them) that "he had got the entire control of the whole English nation, and could make them do as he pleased." Ibid.

4 Ibid.

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The Committee next record a solemn declaration, that the treaty, which was then concluded, left the Rajah at the mercy of the Nabob, and bound, by a sense of self preservation, to seek for protection against him in every quarter. "We then expressed our firm opinion, that the peace, concluded *without the intervention of the Company,* would not be considered by the Rajah as any security to him; and that he would avail himself of the first opportunity of freeing himself from *his apprehensions of the Nabob.* The intelligence communicated to us by the Nabob of the Rajah's application to the Mahrattas and Hyder Ally for assistance, is, in some measure, confirmed by the advices transmitted to us by Mr. Mostyn from Poonah:[1] Neither is the conduct of the Rajah, in this instance, to be wondered at. The apprehensions he before had have been increased by

[1] The author of the Defence of Lord Pigot (Introd. p. 63) says, that by the Nabob people were employed to personate the Rajah's vakeels at Poonah: that letters were fabricated; and all sorts of artifice employed to mislead the Company's servants. The Presidency are often complaining that the Nabob's letters of intelligence state always a set of facts exactly calculated to support the point, whatever it is, which the Nabob is at that moment driving.

the publication of the Nabob's intention of reducing him; which has gained credit all over the country. He knows that, in our present situation, we cannot interfere, in the disputes between him and the Nabob; that the Nabob did not even allow his vakeel to visit the late President. Under these circumstances, it is not surprising, that the Rajah should endeavour to strengthen himself, by every means in his power, to enable him to withstand any attempts of the Nabob against him."[1]

That the Presidency had reason to pass over in silence, or at least with neglect, the complaints of the Nabob, respecting the payment of the Rajah's debt, sufficiently appears from the statement of the facts. Of fifty lacs, exacted as the compensation for peace, twelve lacs and a half were paid down. By mortgaging jewels and land, to the Dutch at Negapatnam, and the Danes at Tranquebar, he had contrived to pay the remainder, together with eight lacs for the peshcush of two years, leaving a balance of only ten lacs upon the whole.[2]

Notwithstanding the absence of criminality on the part of the Rajah, the Presidency resolved that they ought to destroy him. "It is evident," they say, "that in the present system,[3] it is dangerous to have such a power in the heart of the province: for, as the Honourable Court have been repeatedly advised, unless the Company can engage the Rajah to their interest, by a firm promise of support in all his just rights, we look upon it as certain, that, should any

1 Papers, ut supra, p. 1117.

2 See the Letter from the Dutch to the Nabob (Ibid. 1273); Defence of Lord Pigot, Introd. 64.

3 By present system, they mean the orders from England to support the Nabob, as absolute sovereign, in all his pretensions; which held their hands from interfering to protect the Rajah.

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troubles arise in the Carnatic, whether from the French or a country enemy, and present a favourable opportunity of freeing himself from his apprehensions of the Nabob, he would take part against him, and at such a time might be a dangerous enemy in the south. The propriety and expediency, therefore, of embracing the present opportunity of reducing him entirely, before such an event takes place, are evident."[1]

Never, I suppose, was the resolution taken to make war upon a lawful sovereign, with the view of "reducing him entirely," that is, stripping him of his dominions, and either putting him and his family to death, or making them prisoners for life, upon a more accommodating principle. We have done the Rajah great injury: We have no intention to do him right: This constitutes a full and sufficient reason for going on to his destruction. Such is the doctrine: The practical improvement is obvious. Do you wish a good reason for effecting any body's destruction? First do him an injury sufficiently great, and then if you destroy him, you have, in the law of self-defence, an ample justification!

In the opinion of the Presidency, no danger attended the operations required for the destruction of the Rajah: As to Hyder, he had too much business on his hands, and knew his own interest too well, to make the English just now his enemies on account of the Rajah: With regard to the Mahrattas, they were sure to invade the Carnatic, whenever they could expect to do so with any success; and that would happen neither sooner nor later on account of the reduction of Tanjore.[2]

The next point to consider was, the conditions upon

[1] Papers, ut supra, p. 1117.

[2] Ibid.

which the Nabob should be accommodated with the destruction of the Rajah and the transfer of his dominions. The first condition was, that the Nabob should advance cash, or good bills, sufficient for the expense of the expedition. The second was, that all sorts of necessaries, excepting military stores, should be amply provided by the Nabob. The third was, that instead of paying for 7,000 sepoys, he should henceforth pay for 10,000. The condition, which the Presidency endeavoured before the first war to obtain, but which they afterwards gave up, that of reserving the disposal of Tanjore to the Court of Directors; and the maxim laid down by the Directors, and recognised by the Presidency in the case of the Marawars, viz. that it was for the interest of the Company to leave the minor chiefs in the Carnatic totally defenceless, as likely to aid the Nabob in those schemes of independence which he incessantly cherished; were on this occasion totally neglected.

The Nabob, in these cases, was accustomed to press his project eagerly, as long as he found the Presidency reluctant or undetermined; as soon as he found them engaged, and warm in the project, to manifest something of indifference, or aversion. So it happened, on the present occasion. The Nabob, after several conferences, told the President; "he would not be too pressing upon the expedition's being undertaken, without it suited the Company's affairs." The Presidency, however, were in a very different disposition; they were determined, and impatient, to begin the operations immediately.[1]

[1] Papers, ut supra, p. 1122, 1125. There is secret history in many of the proceedings of the Company's servants which it is not possible to bring forward with such evidence as history admits, and which, except in a very general manner, it is not within the province of history to trace.

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The Nabob, without much difficulty, accepted the conditions; on which, the Presidency were eager to make for him the conquest of Tanjore; and it was agreed, that no peace should be concluded with the Rajah, unless it should be found to be absolutely impossible to effect his destruction. The General was furnished with his instructions on the 5th of July. The Nabob bargained with the troops, by a sum of money, for the plunder of Tanjore, if the place should be taken by storm. And on the 3d of August the army marched from Trichinopoly.

They encamped, after a skirmish, within a short distance of Tanjore, on the 6th of August. On the 13th, the following letter was received from the Rajah. "The friendship and support offered by the English to this country is a matter of universal celebration and report among all the Mahratta and Rajahpoot nations, as well as others. We have quietly submitted to the hard terms imposed on us by the Nabob; and have given him all that, by these means, he required. Some deficiency happened in the revenues of the mortgaged lands; for the payment of the sums so deficient, as well as the last year's peshcush (though the latter was not yet become due) I borrowed of the Soucars; and having engaged with them also for an additional sum, to discharge

Such articles of evidence as present themselves may be submitted for consideration. The Author of the History and Management of the East India Company, than whom no man was better acquainted with the secrets of Madras, and who, though he is a prejudiced and unfair, is not a mendacious writer, says, (p. 219) that the crime of the Rajah was his sending to borrow money of the Dutch; and had he pursued the plan of borrowing at Madras, "with more constancy, and to a much larger extent, the GREAT FOLKS at Madras might have had an interest in overlooking, for some time longer, his designs. But Tulja-jî, though not more faithless, was less prudent than his father Pretaupa Sing, who had always an expert agent at Madras to negotiate a loan, when he wished to obtain a favour."

what was due to the young Nabob and other lesser accounts, I took bills for the whole amount, and sent them to the Nabob; who, having protested my bills,[1] has set on foot an expedition against me. Considering that no deviation of conduct can by any means be laid to my charge, and that I have fulfilled my engagements in respect of the payments I agreed to, I am confident you can never consent to this measure. Some offence should surely be proved upon me, before an expedition be undertaken against me: Without any show of equity to wage an unjust war against me, is not consistent with reason. This

[1] This transaction is explained, in the following manner, by the Author of the "Defence of Lord Pigot." (Introd. p. 64.) "It happened that one Comera, a dubash of the virtuous Mr. Benfield, was at Tanjore, when the Nabob threatened a second visit. This Comera, servant of Mr. Benfield, was employed in lending money on mortgages. To him the Nabob addressed his Self; through him, he mortgaged to Mr. Benfield some districts, which had been formerly mortgaged to the Nabob; and obtained from Comera bills on his master Mr. Benfield payable at Madras for the twelve lacs which by the treaty of 1771 were still to be paid. But it was not the intention of the Nabob to receive this last instalment. His confidence in the servants of the Company was increased. And he now determined at all events to get possession of Tanjore. He therefore sent for the dubash, and by proper application, prevailed on him to deny that he gave the draughts: by proper applications he raised unexpected scruples in the breast of the delicate Mr. Benfield. Though he now avows that he has mortgages to a considerable amount in the Tanjore country; yet then, in a more enlightened moment, he discovered that it was his duty, as a servant obedient to the orders of the Company, to reject any proposal of lending money on mortgages. He does not indeed deny that the bills were drawn on him: he allows them to have been drawn, and actually sent to the Nabob: so far he contradicts his agent. But he seems not to know who it was that drew them. His own servant, Comera, dwindles, in his account, into an undescribable creature without a name; a black man to the southward, with whom the virtuous Mr. Benfield had indeed some mercantile concerns. In this statement, the fact of the drawing of the bills, and of their not being accepted by Mr. Benfield, are established. For the remaining points we have only the authority of the writer, and the mode of gaining a delicate point at Madras; the writer, it is to be remembered, a partisan; but the mode of gaining points at Madras, notorious, habitual, and altogether concordant with the assertion.

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charitable country is the support of multitudes of people: If you, Sir, will preserve it from destruction, you will be the most great, glorious, and honoured of mankind. I am full of confidence, that you will neither do injustice, yourself, nor listen to the tale of the oppressor. I only desire a continuance of that support which this country has formerly experienced from the English, and you will reap the fame so good an action deserves."[1]

Ground was broken before Tanjore, late on the evening of the 20th of August; and a party was advanced to a commanding spot within 500 yards of the walls. On the 23d, the engineers had run their parallels to the destined extent, but had not time to erect a redoubt which was intended to secure their left. On the morning of the 24th, the enemy sallied in a considerable party, and attacked the trenches with musketry. They retired upon the brisk advancement of the grenadiers, but not without some loss to the English assailants. On the 27th, in the morning, the batteries were opened. About the same time the Presidency received from Mr. Mostyn, at Poonah, a letter, to say, that a dispute between the Peshwa's government, and that of Berar, afforded present occupation to the Mahrattas, and removed the danger of interruption to the expedition against Tanjore. The approaches were made, and the breaching batteries opened, early in the morning of the 14th of September. On the 16th a passage of twelve feet wide was completed across the wet ditch which surrounded the walls, and the breach was so considerable, that the enemy expected the assault by day-light the next morning, when 20,000

[1] Papers, ut supra, p. 1177. The tone of the Rajah's letter is indisputable; his assertions with regard to matters of fact are as much, or rather as little valuable, as those of the Nabob.

fighting men were prepared to defend the breach. This hour being permitted to pass, they expected no farther attempt till the evening; but when the sun was in the meridian, and intensely hot, and the garrison had mostly retired to obtain a little refreshment and repose, the English troops were drawn out without noise to the assault. The success of the stratagem was complete. The troops entered with scarcely any resistance, or any loss. And the Rajah and his family were taken prisoners in the fort.[1]

The Dutch had received the seaport town of Nagore and its dependencies, in assignment for the money which they had lent to the Rajah of Tanjore. It was the wish, neither of the English, nor of the Nabob, that they should enjoy the advantage of retaining these possessions. The first pretence made use of was, that assistance had been lent to the Rajah against the late expedition. Before the troops withdrew from Tanjore, a letter was written by the Nabob to the Presidency, recording the complaint, and demanding assistance to punish the offenders. It was also necessary to send information of the charge to the Dutch. They utterly denied the facts; and as there appears to have been nothing to prove them, the charge was permitted to drop. Another resource remained. The Dutch had purchased Nagore. Upon this the Presidency gravely and solemnly declare: "As the Rajah of Tanjore held his lands of the Nabob in fee, he could not, agreeable to the feudal system, which prevails all over

[1] Papers, ut supra, p. 1197—1218. In giving an account, the next day, of the capture of the place, the English General writes to the Presidency: "The situation of the Rajah is truly pitiable, and likewise Monajee's (the Generalissimo); I do therefore hope, as the place has fallen by the English arms, that the Honourable Board will exert their influence with his Highness, that those prisoners may be treated agreeable to the rank they once held in this country." Ibid. p. 1218.

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India, alienate any part of this country to any other power, without the consent of his liege lord, the ruler of the Carnatic Payen Ghaut."[1] Upon this foundation, they felt no scruple in joining with the Nabob to make war upon the Dutch. Yet it is abundantly certain, that such an idea as that of "land held in fee" could hardly enter into the mind of a native Indian, even in the way of imagination and conception. Such a thing as a feudal system or a liege lord, never had a moment's existence in India, nor was ever supposed to have, except by a few pedantic, and half-lettered Englishmen, who knew little more of the feudal system than the name. If this doctrine were true, the English had originally no just title, either to Calcutta or Madras. When they obtained the one from the Subahdar of Bengal, he was the vassal of the Mogul; when they obtained the other from the Nabob of Carnatic, he was the vassal of Nizam al Mulk, the Subahdar of Deccan. Besides, the Presidency themselves, had only two years before declared that no such thing as feudality existed in India; that the only right of one state over another was power; that the stronger uniformly exacted tribute of the weaker; but that legal dependance there was certainly none.[2] The troops advanced. The Dutch made a solemn protest against the injustice; but they were not in a condition to make effectual resistance; and they prudently retired. The Nabob complained of the coldheartedness and supineness of his English friends, because they would not support him in attacking the ancient possessions of the Dutch. At length it was arranged, that the Dutch should be re-imbursed by the Nabob the money which they had advanced to

[1] Consultation of the Governor and Council, 23d Sept. 1773; Papers, ut supra, p. 1226.

[2] Vide supra, p. 81.

the Rajah; and that they should give up to the Nabob the lands and jewels which they had received in payment or in pledge.[1]

When the former war with Tanjore was projected, the Nabob, though he would not consent that the English should garrison Tanjore, if taken, yet proposed that he himself should place in it a garrison of Europeans. This time he would not consent to even so much, but insisted upon it, that Tanjore should be garrisoned with his own troops.[2] The Presidency so far attended to humanity, and the suggestion of their own general, as to express their wishes to the Nabob for humane treatment of the Rajah and his family. But they were satisfied with very slight evidence of the gratification of those desires. The wretched Rajah and his mother addressed a letter, each of them, to the Nabob; telling him that they were remarkably well treated. These letters were shown to the Presidency, and the Presidency tell the Directors, "We have much satisfaction to learn, by letters from the Rajah and his mother to the Nabob, communicated to us, that they are treated with much attention and humanity in their confinement."[3] The Nabob could never be at a loss, upon such admirable terms as these, for a proof of any thing which he could possibly desire.

Intelligence of the dethronement of the Rajah, and of the transfer of his dominions to the Nabob, was not delayed by the Company's servants. It was received in London with all the documents and details, on the 26th of March, 1774. Three weeks elapsed before the departure of the last ships of the season;

1 Papers ut supra, p. 1226, 1273, 1276, 1281, 1290, 1333, 1361.

2 Ibid. p. 1236.

3 Ibid. p. 1336.

BOOK V. CHAP. 4. 1774. but the Directors made no remarks upon the revolution in Tanjore. Upon so great a change effected in the state of their dominions, without advice or authority, the sovereign body, as if they had no opinion to express, that is, were incapable for the moment of executing the functions of government, maintained absolute silence. In the course of the summer various dispatches arrived, describing the subsequent measures to which the transfer of the Tanjore kingdom had given rise. No observations were elicited from the Court of Directors. During the winter of 1774, and more than two months of 1775, the same silence was observed; and, if acquiescence might be taken for approbation, the actors in India had reason to congratulate themselves upon a favourable construction of their conduct.

The secret history at that time of the East India House, that is, the history of the interests of the individuals by whom it was governed, even if it could be given upon such evidence as history confides in, which secret history seldom can be, would not, on the present occasion, be of any importance. The only point which deserves our attention is, the general result; that the East India Company is a governing body so constituted, no matter by what secret agency in the minds of individuals, as to be incapable of giving, or capable of withholding to give, for nearly twelve months, an opinion on one of the most important transactions to which their authority and power could be applied.

There was no little division, at that time, in the councils of the East India House. Early in the year 1775, the question was agitated of a successor to the Governor of Fort St. George. The Court of Directors, by a small majority, declared for Mr. Rumbold.

A Court of Proprietors, called soon after to deliberate upon the subject, reversed their decision, by a small majority, and made choice of Lord Pigot.

This ancient Governor had returned to England about the end of the year 1763; and had been successively raised to the dignities of a baronet, and of an Irish peer. By the weight of his fortune, by his connexion with individuals, and the reputation of his services, he enjoyed a great influence in the Company; and after a residence of twelve years in England, discovered an inclination, or a wish, to resume the burthen of the Presidentship at Madras, and to rival the glory of Clive, by introducing the same reforms under the Presidency of Madras, as that illustrious Governor had introduced in Bengal. The decision in the Court of Proprietors gave the ascendancy to his party in the Court of Directors, and the gratification of his ambition was no longer delayed.

Respecting the revolution in Tanjore there was no indecision in the mind of Pigot; and no sooner was the ascendancy of his party determined, than it also disappeared in the East India House. The treaty of 1762, which gave the Rajah security for his throne, was the act, and a favourite act, of Governor Pigot. The subversion of it became the subject of severe condemnation in the Company's Courts. There was in the transaction, it is not to be doubted, enough to interest the feelings of any man who looked upon it with partial, or even impartial eyes; and to account for the zeal of Lord Pigot upon the most honourable motives. That his favourite dubash Moodoo Kistna, with whom he maintained a correspondence in England, had rented lands to a great extent from the Tanjore Rajah; that he was offended with the Nabob, who, after appointing him his agent in England, had failed in those remittances which made the place

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of agent desirable; and that an auction between two princes for the favour of the powerful servants of the Company promised a golden harvest to the relatives and connexions of the Directors, were allegations thrown out by the enemies of the new resolutions;[1] allegations which, if they had general surmise, and even general presumptions in their favour, were unsupported by particular facts.

On the 12th of April, the very day on which the Court of Proprietors met to choose new Directors, the Court of Directors proceeded at last to declare their decision on the business of Tanjore, and to prescribe the rules of future operation.

Notwithstanding their ambiguous language, and still more ambiguous conduct, they declared that they had been perfectly uniform in two things; in commanding that no addition should be made to the possessions either of themselves or the Nabob; and in condemning the policy of placing Tanjore under the dominion of that ruler; "more especially," they add, "as they on the spot were of opinion, that, on account of oppressions exercised by the Nabob in his own dominions, and of his inveterate hatred to the King of Tanjore, the Tanjoreans would submit to any power whatever, rather than to the Nabob." First they condemn, though after solemn thanks formerly given to the Governor who had carried it on, the war of 1771; declaring that though it would have been right to call the Rajah to account for arrears of tribute, and to interpose between him and the Marawars, it was wholly unjustifiable to make war upon him when he offered to submit to the arbitration of the company; and still more "on any account or pretence, or under any circumstances, to put the

[1] Hist. and Management of the E. I. C. ch. viii.

Nabob in possession of that kingdom."[1] They complain, upon this subject, of their servants as sending them disingenuously incomplete information, and then taking their measures without authority.[2]

With regard to the second expedition, that in 1773, intended for the complete destruction of the Rajah, they declare that it was founded upon pretences which were totally false; 1. as the Rajah was not proved to have committed any offence; and, 2. as the destruction of him, instead of adding to the security of the Company, had only increased its dangers. They decree, therefore, that Mr. Wynch, their President, shall be removed from his office; that the members of their council shall be severely reprimanded; and, "unless their zeal for the interests of their employers shall manifest a proper sense of their lenity, that they shall certainly experience more rigorous marks of their resentment."[3]

After this retrospect of the past, the Directors immediately pen their regulations for the guidance of the future. They regarded two subjects; 1st, the restoration of the Rajah of Tanjore; and 2dly, the management of the Company's own possessions, on the coast of Coromandel; that is, the Northern Circars, and the jaghire lands in the neighbourhood of Madras. "We are convinced," said the Directors, addressing the Council of Madras, "that success must, in a great measure, depend upon the wisdom of your councils, the integrity and firmness of your conduct, and in no small degree, upon the seasonable exertion of those peculiar abilities for which your Right Honourable President is so justly and eminently distinguished."

With regard to the King of Tanjore, the Presidency

[1] General Letter to Fort St. George, 12 April, 1775; Papers, ut supra, p. 145.

[2] Ibid, p. 146—149.

[3] Ibid. p. 150, 151.

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were first to provide security, by a proper guard, for the persons of him and his family; and next, but under certain conditions, to restore him to his dominions, as they existed in 1762. The conditions were, that he should receive a garrison of the Company's troops into the fort of Tanjore; assign lands for their maintenance; pay to the Nabob the peshcush of 1762; assist him with such troops alone as the Presidency shall join in requiring; form no treaty with foreign powers, except in concurrence with the English rulers; and neither directly nor indirectly furnish any assistance to their enemies.

For the better management of the Company's possessions, the Council were directed, "when affairs respecting Tanjore shall have been accommodated and finally adjusted," to form a committee, consisting of five members of the Council, who should make the circuit of the Northern Circars, and collect information of all those circumstances in the state of the country which government is chiefly interested in knowing; and after this information should be gained, to take the proper steps for letting the lands during a term of years, on principles similar to those on which the lands had been let in Bengal. Respecting the jaghire, which the Nabob hitherto had rented under the allegation, that the appearance, presented to the people of the country, of the exemption of any part of his dominions from his immediate jurisdiction, would be injurious to his authority; the Directors declared their dissatisfaction with the present arrangement, their determination to take the lands under their own control, unless the Nabob should submit to their conditions; and they directed their servants in the mean time to let them to him, only from year to year.[1]

[1] General Letter to Fort St. George, 12th April, 1775, Papers ut supra, p. 153—159.

Lord Pigot resumed the office of Governor of Fort St. George on the 11th of December, 1775. "Upon my arrival," says his Lordship, "I found a general reform was necessary in the settlement, to preserve the Company from ruin."[1] A "general reform" has many enemies; and those, for the most part, very powerful ones. The injunctions of the Directors were to proceed immediately to the restoration of the Rajah of Tanjore. It was, however, agreed that the communication should be made with all delicacy to the Nabob, to whom it was known that it would be unpleasing in the highest possible degree. There was no expedient to which Oriental artifice could have recourse which the Nabob left untried to ward off the blow. He endeavoured to make it appear that he had an undoubted right to the possession of Tanjore; he magnified the merit of his services and attachment to the Company; he enlarged upon the disaffection of the Rajah; he claimed the support which the letter of the King of England, brought by Sir John Lindsay, had promised him; he deprecated the policy adopted by the Company, of doing one thing by their servants in India, and the very reverse by their Directors in England, and declared that he was unable to understand them in this double capacity. He tried the tone of humility, he tried that of audacity. He sought to affect their sympathy by reminding them of the many Englishmen to whom he was indebted, and whom, if stripped of Tanjore, he would be less able to pay: and of that confidence in their honour with which he had placed his residence, and that of his family, under the guns of Fort St. George. He offered to place an English garrison in the fort of Tanjore; and only entreated, that the country might not be taken out of his hands, till the

[1] Lord Pigot's Narrative, &c.; Defence of Lord Pigot, p. 83.

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Company, who had proceeded upon partial information, should decide upon what he had to suggest.

The Council availed themselves of his offer to admit an English garrison into the fort of Tanjore; because it enabled them at once to set the Rajah at liberty, and guard his person. But they showed the Nabob that the commands of the Directors were peremptory in regard to the time of the restoration, and left them no liberty to grant the delay for which he applied. It seems to have been the expectation of the principal military officer belonging to the Presidency, Sir Robert Fletcher, that he should be the person by whom the immediate business of restoring the Rajah should be performed. But when the President signified his intention of proceeding for that purpose to Tanjore in person, the Council voted unanimously, that the business should be placed in his hands; and as the crop was on the ground, and the harvest approaching, that no time should be lost in giving possession of the country to the Rajah.

Sir Robert Fletcher, however, though he had joined in the vote for sending the President, proposed another for sending along with him two other members, under express and particular instructions of the Board; declaring that without this condition he would not have assented to the vote in favour of the President; that the board were not justified in the delegation of undefined and unlimited powers, except in a case of extreme necessity: and that, if this measure were drawn into a precedent, the effect would be, to serve the corrupt interests of individuals at the expense of the public. The proposal was rejected by a majority of the Council; but the President took with him by choice two members of the Council, and one of them a person who had voted for the deputation.

Lord Pigot set out on the 30th of March, and ar-

rived at Tanjore on the 8th of April. On the 11th the restoration of the Rajah was proclaimed. Instead of employing the troops of the Company to do nothing more than garrison the fort of Tanjore, the president got the Rajah to request that they might be employed for the protection of the whole country. And instead of assigning revenue barely to defray their expenses, to save the trouble and dispute which accounts are apt to produce, he offered to give a neat sum to cover all expenses, namely, four lacs of pagodas a-year. On the 5th of May, Lord Pigot returned to Madras, and having laid before the Council a copious diary of his proceedings, with all the documents which belonged to them, received a vote of approbation, which, with regard to the general measures, was unanimous.

Mr. Paul Benfield was a servant of the Company in the civil department, and as yet in one of the lowest situations. He had betaken himself to more lucrative functions, than the duties of his office; and had become not only a favourite of the Nabob, but the principal agent, in what was at that time one of the first concerns in the settlement, the lending of money.

It appears, that Mr. Benfield gave to Lord Pigot a general intimation of certain interests which he held in Tanjore, before the departure of that Lord for the restoration of the Rajah, and received from him a general disavowal of any intention to injure his rights. Immediately after the restoration of the Rajah was proclaimed, a letter from Mr. Benfield was delivered to Lord Pigot at Tanjore, in which he stated, that for money lent to the Nabob he had assignments upon the revenues of Tanjore, to the amount of 405,000 pagodas, equal to 162,000*l.*; and for money lent to individuals in Tanjore, assignments upon the present crop to the amount of 180,000 pagodas, equal

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to 72,000*l.*; making together, the immense sum of 234,000*l.*, lent by a junior servant of the Company, with a salary of a few hundred pounds a-year, and who was conspicuous among other things for keeping the finest carriages and horses at Madras.

Lord Pigot replied, that, in a case like this he could do nothing more than lay the circumstances before the Board. Mr. Benfield expressed dissatisfaction that the powers of government were not immediately exerted to procure him all that he desired; and he wrote to the Council, expressing his confidence that they would afford him "assistance to recover his property, while the Right Honourable President, under their commission, remained in authority over those countries." Certain Members of the Board were for proceeding immediately to consider the claims of Mr. Benfield. The majority, however, decided, that the consideration should be postponed till Lord Pigot's return.

A few days after the return of Lord Pigot to the Board, the application of Mr. Benfield was appointed for the subject of deliberation. Mr. Benfield was called upon for particulars and vouchers; but vouchers Mr. Benfield was unable to produce. The transactions, he said, were registered in the books of the Cutcherry; and the Nabob would acknowledge them. As for the books of the Cutcherry, they were never produced; and as for the acknowledgement of the Nabob, there were two questions; one whether the assignments of the Nabob, if the debts were real, gave any right to the revenues of Tanjore, now restored to the Rajah; another, whether the whole, demand and acknowledgement, taken together, were not a collusion between the Nabob and Benfield; a studied fraud upon the Company and the Rajah. For the debts, said to be due from individuals, which, in the specification, had dwindled down to 30,000 pagodas,

there was nothing to give but the word of Mr. Benfield himself. After due consideration a majority of the Board came to the following decision: "That the Rajah of Tanjore, being put in full possession and management of his country by the Company's express orders, it is the opinion of the Board that it is not in their power to comply with Mr. Benfield's requests in any respect, those claims on individuals, which bear the appearance of having no connexion with government, not being sufficiently explained to enable the Board to form an opinion thereon, and the assignments of the Nabob not being admissible."

This resolution was passed on the 29th of May. On the 3d of June Mr. Brooke, one of the majority who had thrown out the claims of Mr. Benfield, entered a minute, in which he stated, that supposing Mr. Benfield to have *demanded* the assistance of the Council, he had voted against him; if he had then, as now, understood that he only *requested* their assistance, he would have voted for him: he, therefore, moved, that the Board should reconsider their vote on the claims of Mr. Benfield; and gave his opinion, that the crop on the ground, at the time of the restoration of the Rajah, was by the Company meant to belong to the Nabob. The vote for reconsideration was supported by the majority. On the 13th of June, the subject being resumed, a motion was made by Lord Pigot that the vote of the 29th of May should be confirmed; it was negatived by a majority of seven to five. On the following day Lord Pigot was proceeding to move that "all the claims of Mr. Benfield were *private* and not *public* concerns," when a member of the Council claimed a right to priority. The claim of the member was founded upon the notice which he had given the preceding day of his intention to put certain motions.

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The claim of Lord Pigot was founded upon the custom of the Presidency, corroborated by convenience, that the President should possess the initiation of business. The claims were put to the vote, when the question was decided in favour of the member; and he moved, that the crop sown during the time of the Nabob's possession be declared the Nabob's property, his assignments on it, therefore, good; and that the Rajah should be instructed to respect and to restore, if they had been disturbed, the pledges in corn which were held by Mr. Benfield. When all this was voted, the question of the President, whether the claims of Mr. Benfield were private or public, was finally considered. The majority thought them, "so far as they regard Mr. Benfield, private claims; so far as they regard the Nabob's assignments to Mr. Benfield, public."

The following point was agitated next. On the 28th of June, the President opened a proposal for establishing a factory at Tanjore. A motion to this effect was rejected by the majority on the 8th of July. As he could not obtain a factory, the President supposed that a resident would be useful. He moved that Mr. Russel, a member of the Council, and a closely connected friend of his own, should be appointed resident at Tanjore, and this was carried without much opposition.

Velore was the principal military station in the Carnatic, as a frontier fortress, in the line of invasion both to Hyder and the Mahrattas; it was therefore provided with the greatest number of troops, and regularly, as the post of honour, assigned to the officer second in command. Col. Stuart, the officer second in command, thought proper to consider Tanjore, where a small number only of troops were required, as at this time the military station of principal importance

in the province; he therefore claimed it as his right, and that claim the majority sustained.

Though liberty had been restored to the Rajah, and his rights proclaimed, much was yet to be done to put the administration of the country fully in his hands. The struggle between the President and the majority in the Council now was, whether Colonel Stuart, who would manage the business agreeably to the views of the majority, or Mr. Russel, who would manage it agreeably to the views of the President, should have the opportunity of placing the administration in the hands of the Rajah.

Mr. Russel was one of the gentlemen named by the Court of Directors to form one of the Committee of Circuit to explore the Circars; and this Committee was directed to proceed upon its mission, as soon as the final settlement of affairs in Tanjore should be effected. The majority laid hold of this circumstance; and voted, as well for the immediate departure of the Committee to the northern Circars, as that of Colonel Stuart to his command in Tanjore. The President insisted, that neither was there any necessity for precipitating the departure of the Committee, nor was the business of Tanjore settled; that the Rajah, who believed that the interests which had dethroned him were now triumphant, and those which restored him overthrown, was in a state of apprehension bordering upon despair. He proposed that, for the termination of this unfortunate struggle, two members of the Board, who were stationed at the out settlements, and were not involved in the disputes, should be summoned to attend. This proposition was rejected. The President offered to be satisfied. if Mr. Russel was allowed to go to Tanjore for only a few days, to preserve the appearance of consistency in

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the proceedings of the Council, and to quiet the alarms of the Rajah. This too was rejected.

Hitherto the proceedings of both parties, whatever name they may deserve in point of wisdom or virtue, were regular in point of form. Only one alternative now remained for Lord Pigot—the majority was either to be obeyed, or their authority was to be resisted. Lord Pigot resolved to resist, and the method which he pursued was as follows:

He assumed that the President was an integrant part of the Council; that it was not competent to perform any acts of government without him; and that he had a right to withhold his concurrence from any propositions which the majority might urge. This was pretty nearly the same doctrine which had suggested itself to Mr. Hastings in Bengal; but the practical application was somewhat different.

On the 19th of August, it was moved that a copy of instructions for Colonel Stuart, prepared by the commanding officer, should be taken into consideration. The President declared that he would not put the question. The obstruction presented a question of importance; and the majority resolved to adjourn. The following day the Council assembled, and the same motion was made. The President declared that he would not allow the question to be agitated at the Board. The majority, nevertheless, approved of the instructions, and prepared the draught of a letter to the officer at Tanjore, directing him to deliver over the command of the garrison to Colonel Stuart. The President declared that he would sign neither; affirmed that without his signature they could have no authority, and warned his opponents to desist. The minds of the majority were yet embarrassed, and they adjourned the Council for two days. On the

22d of August, the day on which they first assembled, the majority produced a minute, in which they deny that the concurrence of the President is necessary to constitute an act of government; affirm that the vote of the majority constitutes an act of government; and that it tends to subvert the constitution, for the President to refuse either to put a question, or to carry into execution the decisions of the majority. The President proposed, that questions of so much importance should be left to the decision of their honourable masters; and that here, till their pleasure should be known, both parties should allow the matter to rest.

This, too, was not agreeable to the wishes of the majority. They came to a resolution, that, as the President would not sign the instructions to Colonel Stuart and the letter to the officer at Tanjore, a letter should be written to the Secretary, directing him to sign them in the name of the Council, and transmit them as authoritative instruments of government to the parties addressed.

The letter was written, and approved by all the gentlemen of the majority. They began to sign it in order, and two of them had already written their names, when Lord Pigot took, or snatched it out of the hand of the man who held it. He then took a paper out of his pocket, and said he had a charge to present against two members of the Board, and named the two who had just signed the letter which he had snatched. The accusation was, that by signing orders to the Secretary to give instructions to Colonel Stuart, they had been guilty of an act, subversive of the authority of government, and tending to introduce anarchy. By the standing orders of the Company, any member of the Council, against whom a charge was preferred, was not allowed to deliberate or vote

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on any of the questions relating to the charge. When the two accused members were excluded, the President had a majority by his own casting vote. It was therefore voted to suspend the members in question, and then the President had a permanent majority. After the vote of suspension, the Council adjourned to the following day, which was the 23d. The gentlemen of the former majority forebore to attend; but they sent by a public notary a protest, in which, beside denouncing the principal act of the following day, they, as the majority of the Board, declare themselves the governing body, and claim the obedience of the settlement. This protest was sent by the same agency to the commanders of his Majesty's troops, and to all persons holding any authority at Madras. In consequence of what he deemed so great an outrage, Lord Pigot summoned the Council again to meet at four o'clock, when they passed a vote, suspending the whole of the members who had signed the protest, and ordered Sir Robert Fletcher, the commanding officer, to be put under arrest, and tried by a court martial.

The opponents were not behind in violence. They speedily assembled, declared themselves a Council vested with all the powers of government, and resolved to arrest the person of Lord Pigot, and confer the command of the army, Sir Robert Fletcher being ill, on Colonel Stuart.[1] The task of performing the

[1] In examining afterwards the conduct of the parties, a question was raised about the time of this resolution to arrest Lord Pigot. It appeared to have been taken, before the violence of Lord Pigot, in suspending the whole of the majority, and ordering the arrest of Sir Robert Fletcher. But the affidavits of the parties, who were prosecuted in England for the imprisonment of Lord Pigot, and which affidavits were not contradicted, affirmed, that the figure 8 indistinctly written and mistaken for 3, had been the source of the error; and that 8 o'clock, and not 3 p. m. was the time at which the resolution of the majority was taken.

arrest of Lord Pigot was devolved on the Colonel, who, by acquiescence, had accepted from him the command of the army. The greater part of the next day, the 24th, the Colonel passed in company, or in business, with his Lordship, breakfasted with him as well as dined; and having accepted an invitation to sup at his house, and made his arrangements to arrest him by the way, was in the carriage of Lord Pigot along with him, when it was surrounded and stopped by the troops.

As the point, for which all this confusion was created, was the extremely minute one, whether Mr. Russel should or should not go for a few days to Tanjore, it is not easy to believe, that something of importance did not remain at the bottom, which it was not the interest of the parties to disclose. One thing is certain, that the parties, and they had the best means of information, cast the most odious imputations upon one another, and charged the most corrupt and dishonourable motives. They were accused of desiring to have an opportunity of enriching themselves, the one party by sharing in the revenues of the Rajah, the other by sharing in those of the Nabob.[1] The party who espoused the views of the Nabob seem to have been afraid, after the extremities on which they had ventured, to carry their own resolutions into effect. They had voted that the crop which was on the ground at the time of the restoration belonged to the Nabob, and ought to follow the assignments he had made; yet the Rajah was not disturbed in the possession of it; and the

[1] Admiral Pigot declared, in the House of Commons, that his brother had been offered ten lacs of pagodas, and afterwards fifteen, a bribe, amounting to about 600,000*l.* of English money, only to defer, and that for a short and specified time, the reinstatement of the Rajah. See Parliamentary History, for the 16th of April, 1779, and Dodsley's Annual Register, xxii.

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debts, real or fictitious, to Benfield, remained at the end of their administration still undischarged.[1]

They proceeded to the further violence of suspending all those members of the Council, who had voted with the President; but it does not appear that any harshness attended his confinement, or that he was not indulged with every freedom, consistent with the means necessary to prevent his resuming his place in the government.

When intelligence was brought to England of the violent act of the Council of Madras, it excited among the members of the Company, and still more in the nation at large, both surprise and indignation. In the Court of Directors, the party who defended, or at any rate attempted to apologize for the authors of the late revolution, were nearly equal to the party by whom they were condemned. But in a Court of Proprietors, held on the 26th of March, 1777, a resolution was passed by a majority of 382 to 140, in which it was recommended to the Court of Directors to take the most effectual measures for restoring Lord Pigot to the full exercise of his authority, and for inquiring into the conduct of the principal actors in his imprisonment. In consequence of this proceeding it was, on the 11th of April, carried by a casting vote, in the Court of Directors, that Lord Pigot and his friends should be restored to the situations from which they had been improperly removed; that seven members of the Council, including the Commander in Chief, who were declared to have subverted the government by a military force, should be suspended from the service, and not restored without the immediate act of the Directors. But a vote of censure was at the same time passed on Lord Pigot, whose

[1] See their affidavit, Howell's State Trials, xxi. 1236.

conduct in several instances was pronounced worthy of blame. The means were not yet exhausted of defeating this turn of affairs. Not only were impediments accumulated, and placed in the way; but a fresh set of resolutions were brought forward, importing the recall of both parties, as the only mode of accomplishing that fundamental investigation which the importance of the occasion required. These propositions, in favour of which the ministers were supposed to have exerted all their influence, were voted by a majority of 414 to 317, in a General Court on the 9th of May. The attention of Parliament was also attracted. Governor Johnstone, who was distinguished for the part which he had taken in discussions relative to Indian affairs, moved, on the 22d of the same month, a series of resolutions, highly approving the conduct of Pigot, and the measures which had been pursued for his restoration, while they condemned the proceedings of his enemies, and the motion for his recall. Almost all the questions of English policy relating to the affairs of Carnatic underwent discussion in a long and animated debate, which was closed by a vote of no more, notwithstanding ministerial influence, than ninety to sixty-seven, against the resolutions.

After these proceedings, a commission was prepared under the Company's seal, bearing date the 10th of June, 1777, by which Lord Pigot was restored to his office; but he was at the same time directed, within one week after the dispatch of the first ship, which, subsequent to the date of his restoration, should proceed from Madras, to deliver over the government to his successor: and either by that ship, or the first that should follow, to take his passage to England. The members of the Council who had concurred in displacing Lord Pigot were re-

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called; and the military officers, who had been chiefly instrumental in executing the arrest and confinement, were ordered to be tried by courts martial on the spot. Till inquiry should be made into the conduct of both parties in the recent scenes, when it would be seen which of the actors might deserve, and which might not deserve, to be removed from the service, the Directors thought proper to form a temporary government; in which Sir Thomas Rumbold, after the departure of Lord Pigot, was to succeed to the chair; John Whitehill to be second in council; and Major General Hector Munro, Commander of the Forces, to be third, without the power of any further advancement.

Before these orders were received in India, Lord Pigot had passed beyond the reach of honour or disgrace. His constitution, worn out by age, and the operation of a hostile climate, sunk under the inactivity of his situation, and the painful feelings which preyed upon his mind, after a confinement of somewhat more than eight months. Mr. Whitehill reached Madras on the 31st of August, 1777, and being the senior in council acted as President and Governor till the 8th of February following, when Sir Thomas Rumbold arrived.[1]

[1] Second Report of the Committee of Secrecy, 1781; and Parliamentary History, 1777, 1779, 1780; State of Facts relative to Tanjore, printed for Cadell, 1777; Tanjore Papers, printed for Cadell, 1777; Lord Pigot's Narrative, with Notes of Mr. Dalrymple, &c.; Defence of Lord Pigot, drawn up by Mr. Lind; Case of the President and Council, fairly stated, &c. Almon, 1777; Proceedings against George Stratton and others (in Howell's State Trials, vol. xxi.); Hist. and Management of the East India Company; Considerations on the Conquest of Tanjore, and the Restoration of the Rajah. The two last, both by the agents of the Nabob, were published by Cadell, in 1777. Genuine Memoirs of Asiaticus, in a series of letters to a friend, during five years' residence in different parts of India, three of which were spent in the service of the Nabob of Arcot. By Philip Dormer Stanhope, Esq. p. 123—142.

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Once more the subject was taken up by the House of Commons. On the 16th of April, 1779, Admiral Pigot, the brother of the deceased Governor, began the discussion with a history of the transactions which had led to the deposition of Lord Pigot, and with the heaviest charges against the actors in that scene: After which he moved a series of resolutions, affirming the principal facts, affirming also that orders had been given to hold courts-martial for the trial of the principal military officers engaged in the crime, and directing an address to his Majesty for the prosecution, by the Attorney-General, of four of the members of the Council, who had returned to England. The resolutions gave rise to considerable debate; but were finally adopted. Proceedings in the courts of law were immediately commenced; and on the 20th of December, the four members were tried for a misdemeanour, before a special jury; and found guilty. When brought up for judgment, a fine of 1000*l.* was imposed upon each. To men of their fortunes, this was a punishment hardly to be felt: Such is the difference, in the minds of English judges, between the crime of deposing the head of a government abroad, and that of writing a censure upon one of the instruments of government at home.[1]

When the northern circars were first delivered into the hands of the Company, it was judged expedient to govern the country for a time in the manner which was already established. The Circars of Rajamundry, Ellore, and Condapilly, were consigned, under a lease of three years, to a native, named Hussun Ali Khan, who had previously governed them, under the Nizam, with the state and authority of a viceroy. The remaining Circar of Cicacole was

[1] Parliamentary History, vol. xx.; Howell's State Trials, vol. xxi.

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A change was introduced in 1769. Administration by the agency of natives was discontinued: And the Circars were placed under the charge of Provincial Chiefs and Councils, a title and form which at that period the commercial factories were made to assume. Under the Chief and Council, formerly the Factory, of Masulipatam, were placed the districts of Condapilly, Rajamundry, and Ellore. The Chief and Council of Vizigapatam received in charge the southern parts of Cicacole: and at Ganjam, where the factory had been discontinued, a new establishment was made of a chief and council for those affairs of the country which could be most conveniently ruled from that as a centre. To these provincial boards, the financial, judicial, and, in short, the whole civil and political administration of the country, was consigned.

The disappointment in their expectations of pecuniary supply from the northern circars, as from their other dominions, and the sense which they entertained of the defects of the existing administration, had recommended to the Court of Directors the formation of the Committee of Circuit. This Committee were directed, by personal inspection, and inquiry upon the spot, to ascertain with all possible exactness, the produce, the population, and manufactures of the country; the extent and sources of the revenue; the mode and expense of its collection; the state of the administration of justice; how far the financial and judicial regulations which had been introduced in Bengal were applicable in the Circars; what was the condition of the forts; and the circumstances of the Zemindars or Rajahs; what the military force of each; the expenses both of his army

and household; and the means which he possessed of defraying them. The Directors declared it to be their intention to let the lands, after the expiration of the present leases, for a term of years, as in Bengal; not, however, to deprive the hereditary Zemindars of their income; but leave them an option, either to take the lands which had belonged to them, under an equitable valuation, or to retire upon a pension. They avowed, at the same time, the design of taking the military power into their own hands, and of preventing the Zemindars from maintaining those bodies of troops, with which they were perpetually enabled to endanger the peace and security of the state.

Within a few days after the deposition of Lord Pigot, the new Governor and Council drew up the instructions of the Committee; and sent them to the discharge of their duties. They had made some progress in their inquiries; when Sir Thomas Rumbold took the reins of government at Madras, in February, 1778.[1]

In Council, on the 24th of March, the Governor represented, that on account of the diminution in the number of members, it was now inconvenient, if not impossible, to spare a sufficient number from the Council to form the Committee; that the Committee was attended with very great expense; that all the ends which were proposed to be served by it might be still more effectually accomplished if the Zemindars were sent for, the desired information obtained from the Zemindars, and the jummabundy, or schedule of rent, settled with them at the seat of government; that by this expedient the Zemindars would be made to feel more distinctly their dependance

[1] Fifth Report of the Committee of the House of Commons, 1810; Second Report, Committee of Secrecy, 1781. App. No. 153.

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upon the government, both for punishment and protection; that intrigues, and the pursuit of private, at the expense of public interests, which might be expected in the Circars, would be prevented at Madras; and that an indefinite amount of time would be saved. For these reasons he moved, that the Committee of Circuit should be suspended, and that in future the annual rent of the districts should be settled at the Presidency, to which the Zemindars should, for that purpose, be ordered to repair. The Council acquiesced in his reasons, and without further deliberation the measure was decreed.

As soon as this intelligence reached the Zemindars, they were thrown into the greatest consternation. It was expressly urged by the provincial councils on the spot, that the Zemindars were in general poor, and hardly able to support their families with any appearance of dignity; that many of them were altogether unable to defray the expense of a distant journey, and of a residence for any considerable time at the seat of government; that the greater part of them were in debt, and in arrears to the Company; that they must borrow money, to enable them to undertake the journey, and still further incapacitate themselves for fulfilling their engagements; that their absence would greatly augment the confusions of the country, obstructing both the collection of the revenue, and the preparation of the investment; and that some of them laboured under the weight of so many years, and so many bodily infirmities, as to render the journey wholly impracticable.

The President and Council persevered in their original design; and a considerable number of the Zemindars were brought to Madras. Of the circumstances which followed, it is necessary that a few should be pointed out. In every case the Governor alone

negotiated with the Zemindars, and regulated their payments; in no case did he lay the grounds of his treaty before the Council; in every case the Council, without inquiry, acquiesced in his decrees. Of all the Zemindars in the northern Circas, the most important was Vizeram Râz, the Rajah of Vizinagaram, whose territory had the extent of a considerable kingdom, and whose power had hitherto held the Company in awe. The character of the Rajah was voluptuousness and sloth; but along with this he was mild and equitable. Sitteram Râz, his brother, was a man who possessed in a high degree the talents and vices of a Hindu. He was subtle, patient, full of application, intriguing, deceitful, stuck at no atrocity in the pursuit of his ends, and was stained with the infamy of numerous crimes. Sitteram Râz had so encroached upon the facility and weakness of his brother as to have transferred to himself the principal power in the province. The yoke, however, which he had placed upon the neck of the Rajah was galling, and sustained with great uneasiness. Jaggernaut Râz, a connexion of the family, united by marriage with the Rajah, who had superintended the details of government, as Duan, or financial minister, and was universally respected as a man of understanding and virtue, had been recently deprived of his office, through the machinations of Sitteram Râz. The points which required adjustment between Vizeram Râz and the Company had suggested a use, or afforded a pretext, for calling him to the Presidency before Sir Thomas Rumbold arrived. Against this order he remonstrated, on the ground of his poverty, and of the detriment to his affairs which absence would induce. He offered to settle with the Council at Vizigapatam for any reasonable tribute or rent; and complained of his brother Sitteram Râz, whom he

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described as engaged in machinations for his ruin. Sitteram had obeyed the very first summons to repair to Madras, and had negotiated successfully for the farm of one principal division of the lands. He carried another point of still greater importance; which was to receive from the Presidency the appointment of Duan to the Rajah. To this regulation the Rajah manifested the greatest aversion. The President addressed him in the following words: "We are convinced that it is a measure which your own welfare and the interest of the Company render indispensably necessary. But should you continue obstinately to withstand the pressing instances that have repeatedly been made to you by the Board, conjunctively as well as separately, we shall be under the necessity of taking such resolutions as will in all probability be extremely painful to you, but which, being once passed, can never be recalled." To this Vizeram Râz made the following answer: "I shall consider myself henceforward as divested of all power and consequence whatever, seeing that the Board urge me to do that which is contrary to my fixed determination, and that the result of it is to be the losing of my country." The reason which was urged by the President for this arbitrary proceeding was, the necessity of having a man of abilities to preserve the order of the country, and ensure the revenues. The Court of Directors, however, say, in their general letter to the Presidency of Madras, dated the 10th of January, 1781, "Our surprise and concern were great, on observing the very injurious treatment which the ancient Rajah of Vizianagaram received at the Presidency; when, deaf to his representations and entreaties, you, in the most arbitrary and unwarrantable manner, appointed his ambitious and intriguing brother, Sitteram Râz, Duan of the

Circar, and thereby put him in possession of the revenues of his elder brother, who had just informed you that he sought his ruin: For however necessary it might be to adopt measures for securing payment of the Company's tribute, no circumstance, except actual and avowed resistance of the Company's authority, could warrant such treatment of the Rajah."[1] And in one of the resolutions which was moved in the House of Commons by Mr. Dundas, afterwards Lord Melville, on the 25th of April, 1782, it was declared, "That the Governor and majority of the Council of Fort St. George did by menaces and harsh treatment, compel Vizeram Râz, the Rajah of Visianagrum, to employ Sitteram Râz as the Duan, or Manager of his Zemindary, in the room of Jaggernaut, a man of probity and good character; that the compulsive menaces made use of towards the Rajah, and the gross ill treatment which he received at the Presidency, were humiliating, unjust, and cruel in themselves, and highly derogatory to the interests of the East India Company, and to the honour of the British nation."

Nor was this the only particular in which the Presidency and Council contributed to promote the interest and gratify the ambition of Sitteram Râz. They not only prevailed upon the Rajah to be reconciled to his brother; they confirmed his adoption of that brother's son; and "agreed," say the Secret Committee of the House of Commons, "that all under-leases should for the future be made in the adopted Rajah's name; that his name should be used in all acts of government; and that Sitteram Râz his father, who was in reality to enjoy the power,

[1] Second Report, Committee of Secrecy, 1781; Appendix, No. 153.

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1778. In the opinion of the Directors, even this was not all. They accused the Presidency of underselling the lands by a corrupt connivance with Sitteram Râz. "The report," they said, "of the Committee of Circuit, and the positive evidence of Sitteram Râz, warrant us in asserting that more than double the amount of the tribute for which you have agreed, might and ought to have been obtained for the Company. We are in possession," they add, "of one fact, which, so far as it extends, seems to convey an idea, that the Zemindars have been abused, and their money misapplied at the Presidency."[2]

The Directors alluded to the following fact; that Mr. Redhead, private secretary to Sir Thomas Rumbold, the Governor, had actually received from Sitteram Râz a bond for one lac of rupees, on condition of his services in procuring for the donor, the duanship of the Zemindary, a reconciliation with his brother, a confirmation of his son's adoption, the Zemindary of Ancapilly, and the fort of Vizinagaram; advantages, the whole of which Sitteram Râz obtained; and corruption, of which, though made known to the President and Council by the proceedings of a court of justice, they afforded to the Court of Directors no information.[3]

Another fact was; that to the same Mr. Redhead, as appeared by a codicil to his will, Ameer ul Omra, son of the Nabob, had an order from his father to pay a lac of rupees.

[1] Second Report, Committee of Secrecy, 1781; p. 16.

[2] See Letter of 10th of January, 1781, quoted above.

[3] Third report, Committee of Secrecy, 1781, p. 13, 14. Twelfth Resolution of Mr. Dundas, moved in the House of Commons, 25th April, 1782.

Another fact was; that two lacs and one thousand rupees had been transmitted to Sitteram Râz, while at Madras; of which money, though he was greatly in arrear, no part was paid to the Company.

It further appeared; that according to one of the checks devised by the Company upon the corruption of their servants, if Sir Thomas Rumbold possessed in India any money on loan, or merchandize on hand, at the time of entering upon his office, he was by his covenant bound, before he proceeded to recover the money, or dispose of the goods, to deliver to the Board a particular account of such property upon oath: that upon an accurate examination of the records of the Council during the whole of Sir Thomas Rumbold's administration, no proceedings to that effect could be found: that Sir Thomas Rumbold, nevertheless, had remitted to Europe, between the 8th of February, the day of his arrival at Madras, and the beginning of August in the same year, the sum of 45,000*l.*, and, during the two subsequent years, a further sum of 119,000*l.*, the whole amounting to 164,000*l.* although the annual amount of his salary and emoluments did not exceed 20,000*l.*

Sir Thomas opposed the evidence of corruption which these transactions imported, by asserting, that he had property in India at the time of his return, sufficient to account for the remittances which he afterwards made. The evidence which he produced consisted in certain papers and books of account, which exhibited upon the face of them sums to a great amount. And one of the witnesses, examined before the Secret Committee of the House of Commons, stated his having heard in conversation from Sir Thomas Rumbold, that he had in Bengal, at the time of his last arrival in India, about 90,000*l.*; part in Company's cash; part in bonds, and mortgages at

BOOK V. CHAP. 4. interest, on some of which three or four years' interest was due.[1]

1778. The lands or taxes in the circars were let, some for ten years, some for five. The jaghire about Madras was re-let to the Nabob, not for one, but for three years. And in no case was any satisfactory inquiry performed.

The Directors, complaining that their orders, and the interests of the Company, had been equally disregarded, and that, while the dignity and feelings of the Zemindars were violated, the rights of the immediate cultivators were left without protection; pronounced upon the whole of these proceedings their strongest condemnation.

In the agreements formed with the Subahdar, or Nizam, respecting the five northern circars, in 1766 and 1768, it was arranged, that Guntoor, which was one of them, should be granted in jaghire to Bazalut Jung, his brother; to be enjoyed by that Prince during his life, or so long as the Subahdar should be satisfied with his conduct; and upon expiration of the interest of Bazalut Jung, to revert to the Company. About the latter end of the year 1774, the Governor and Council were informed by letters from the chief of Masulipatam, that a body of French troops, under the command of M. Lally, were retained in the service of Bazalut Jung, and received reinforcements and stores by the port of Mootapilly. The mention of a French force in the service of a native prince was sure to kindle the jealousy of the English. The Presidency of Madras held the affair of sufficient importance to communicate with the Supreme Council of Bengal on the propriety of using measures to procure the removal of the French from the territories

[1] Second Report, ut supra, p. 21, 22.

of Bazalut Jung: and received the authority of that Board, not only to insist with Bazalut Jung upon their immediate dismissal; but to prepare a body of troops for marching to his frontiers, and to threaten him, that "they would take possession of his country, and negotiate with the Nizam, even by an entire renunciation of the revenues, for the cession of it to the Company." It was deemed advisable to treat with the Nizam, as principal in the treaty of 1768, and a party to every agreement between the Company and Bazalut Jung: and they desired his co-operation for compelling his brother, either first to dismiss the Europeans from his service, and trust to the English the defence of Guntoor, which was their own; or, 2dly, to let that Circar to them at a rent determined by amicable valuation. The Nizam replied in friendly terms; declaring that he had sent a person of distinction to procure the removal of the French from the service of his brother; and that "every article of the treaty should remain fixed to a hair's breadth." From the date of these transactions, which extended to the beginning of the year 1776, though several representations had been received of the continuance of the French in the territory of Bazalut Jung, no ulterior measures were adopted by the Board until the 10th of July, 1778, when the President and Select Committee entered a minute, expressing a conviction of danger from the presence, in such a situation, of such a body of men. A negotiation, through the medium of the Nabob, without the intervention of the Nizam, was commenced with Bazalut Jung. That prince was now alarmed with the prospect presented by the probable designs of Hyder Ali, and well disposed to quiet his apprehensions by the benefit of English protection. On the 30th of November, the President presented to the Board a proposal, tendered,

BOOK V. CHAP. 4. 1778. by Bazalut Jung, in which that Prince agreed to cede the Guntoor district for a certain annual payment, to dismiss the French from his service, and to accept the engagement of the English to afford him troops for the defence of his country. On the 27th of January 1779, when the treaty was concluded with Bazalut Jung, it was thought expedient to send to the court of the Nizam a resident; who should ascertain as far as possible the views of that Prince, and his connexions with the Indian powers or the French; obviate any unfavourable impressions which he might have received; and transact any business to which the relations of the two states might give birth. And on the 19th of April a force, under General Harpur, was ordered to proceed to the protection of the territory of Bazalut Jung.

In the contest with the Mahrattas, in which, at the Presidencies of Bengal and Bombay, the English were engaged, the Nizam had expressed a desire to remain neutral, though he had frankly declared his hatred of Ragoba, and his connexion by treaty with Pundit Purdaun, the infant Peshwa, that is, with the prevailing party of the Poona council; and though an alliance with the Berar government had been attempted by the Supreme Council, on the condition of recovering for that government some countries which had been wrested from it by the Subahdar of Deccan. When Mr. Holland, who was sent as resident by the Presidency of Madras, arrived at Hyderabad, the capital of the Nizam, on the 6th of April, he was received with every mark of respect, and with the strongest assurances of a desire to cultivate the friendship of the English. But when, at his audience, the resident proceeded to explain the transactions, which, without the participation of the Nizam, had taken place between the Company and his brother, the

painful emotions of his Highness were visible; he read over the articles of the treaty of 1768; affirmed that it was violated by the conduct of the Presidency; disavowed the right of the English to interfere in the concerns of his family; declared that, if the treaty was to be regarded, the troops which, without his leave, were about to march into the country, possessed by Bazalut Jung, a dependant of the Subah, ought to be stopped; if the treaty was not to be regarded, he should be constrained to oppose them. To the apology urged by Mr. Holland, that the probability of an immediate attack by Hyder Ali left not sufficient time for consulting him, the Nizam replied that Hyder had no immediate intention to molest his brother, but was meditating a speedy attack upon Carnatic, to be conducted, like the former invasion of that province, by plundering and burning, while he avoided a battle. The Nizam was jealous of the presence of a British force with Bazalut Jung, who, with such assistance, he doubted not, would soon aspire at independence. The French troops he had taken into his own service immediately after they were dismissed by his brother; but he assured the British resident that he had adopted this expedient solely to prevent them from passing into the service of Hyder or the Mahrattas; and described them as of little value, the wreck of the army of Bussy, augmented by persons of all nations. This was a contingency, which, in their eagerness to see the French discharged by Bazalut Jung, the Presidency had somewhat overlooked. It was no doubt true, as they alleged, that had the Nizam consulted the friendship of the English, he would have ordered the French troops to the coast, whence with other prisoners they might have been sent on their passage to Europe.

In the Select Committee, on the 5th of June, it

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was proposed by the Governor, and agreed, that the *peschush* or tribute, of five lacs of rupees, which the Company were bound by their treaty to pay, in compromise, for possession of the Northern Circars, the Nizam should be solicited to remit. The payment of it had already been suspended for two years, partly on the pretence that the French troops were not dismissed, partly on account of the exhausted state of their finances. When this proposal was announced by Mr. Holland to the Nizam, he became highly agitated; and declared his conviction that the English no longer meant to observe the treaty, for which reason he also must prepare for war.

Mr. Holland, who had received instructions to communicate with the Supreme Council, conveyed intelligence of these transactions to Bengal, by sending, on the 3d of September, copies of the letters which had passed between him and the Presidency of Madras. On the 25th of October, the subject was taken into consideration at Calcutta, when the proceedings of the Madras Presidency, in forming a treaty with Bazalut Jung, without the interposition of his immediate sovereign, the Company's ally, and in withholding the payment, and proposing the abolition of the peshcush, underwent the most severe condemnation, as tending to impeach the character of the English for justice and faith, and to raise them up a formidable enemy, when they were already exposed to unusual difficulties and dangers. It was agreed, that the case demanded the interference of the Superior Board; and a letter was written on the 1st of November, 1779, to assure the Nizam that the intentions of the English government were truly pacific, notwithstanding the interpretation which he put upon the proceedings of the Council at Madras. Mr. Holland was directed to suspend his negotiations

till he should receive further instructions from his own Presidency. Letters were also written to that Presidency, acquainting them, in terms studiously inoffensive and mild, with the aberrations which it appeared to the Supreme Council that they had made from the line of propriety and prudence. The Nizam declared the highest satisfaction with the friendly assurances which the Supreme Council had expressed. But their interference excited the highest indignation and resentment in the Council of Madras. On the 30th of December a minute was entered by Sir Thomas Rumbold, the President, in which he treats the censure which had been passed on their conduct as undeserved, and its language unbecoming, denies the right of the Supreme Council thus to interfere in the transactions of another Presidency, and argues that their controlling power extended to the conclusion alone of a treaty, not to the intermediate negotiation; he turns the attack upon the Bengal Presidency, enters into a severe investigation of the policy and conduct of the Mahratta war, which in every particular he condemns: this it was which had alienated the mind of the Subahdar, not the regulation with his brother, or the proposed remission of the peshcush; the retention of a peshcush offended not the conscience of the Bengal Presidency, when themselves were the gainers, the unfortunate Emperor of India the sufferer, and when it was a peshcush stipulated and secured by treaty for the most important grants. In terms of nearly the same import the letter was couched in which the Presidency of Madras returned an answer to that of Bengal, and along with which they transmitted the minute of their President.

The Presidency of Madras had not only taken Guntoor on lease from Bazalut Jung, they had also

BOOK V. CHAP. 4. 1779. transferred it, on a lease of ten years, to the Nabob of Arcot, though well aware how little the Directors were pleased with his mode of exaction, either in their jaghire, or in his own dominions.

The measure of their offences, in the eyes of the Directors, was now sufficiently full. In their letter of the 10th of January, 1781, after passing the severest censure upon the abolition of the Committee of Circuit, and the proceedings with the Zemindars of the four Northern Circars, on the treaty with Bazalut Jung, the transactions with the Nizam, and the lease of Guntoor to the Nabob, they dismiss from their service Sir Thomas Rumbold, President, John Hill and Peter Perring, Esquires, Members of their Council of Fort St. George; deprive of their seat in council Mr. Smith and Mr. Johnson; and express their strongest displeasure against the commander of their forces Sir Hector Munro.[1]

[1] These transactions are minutely detailed in the Second and Third Reports of the Committee of Secrecy, 1781; in the Appendixes to which the official documents are to be found.

CHAP. V.

War with the French—Pondicherry taken—War with Hyder Ali—Presidency unprepared—Colonel Baillie's Detachment cut off—Supreme Council suspend the Governor of Fort St. George, and send Sir Eyre Coote to Madras—Hyder takes Arcot, and overruns the greater part of the country—Lord Macartney, Governor of Fort St. George—Negapatnam and Trincomalee taken from the Dutch—Treaty between the Nabob of Arcot and Supreme Council—Assignment of the Nabob's Revenues—Tellicherry invested—Great Armaments sent from both England anu France—Disaster of Colonel Brathwaite's Detachment in Tanjore—Madras reduced to a State of Famine—Death of Hyder Ali—Tippoo withdraws the Mysorean Army from Carnatic—Operations and Fate of General Matthews on the Coast of Malabar—Siege of Mangalore—The General at Madras, refusing to obey the civil Authority, is arrested and sent to Europe—French and English suspend Hostilities in consequence of Intelligence of the Peace in Europe—Operations of Colonel Fullarton in Coimbetore—Peace with Tippoo—Behaviour of Supreme Council to Presidency of Madras.

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1778.

WAR with the French, instead of being, as formerly, the most alarming to the English of all sources of danger in India, now held a very inferior station among the great objects which occupied their atten-

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tion. In the beginning of July, 1778, intelligence was received in Bengal, which, though somewhat premature, was acted upon as certain, that war had commenced between England and France. Without waiting for a formal notification of this event, which might be only delayed till the French had made themselves strong, it was resolved by a stroke, decisive in their present defenceless situation, to take possession of the whole of the French settlements in India. With regard to minor places the attempt was easy; and Chandernagore, with the factories at Masulipatam and Carical, surrendered without resistance: Pondicherry was the object of importance, and it was resolved to lose no time in taking measures for its reduction. Instructions were sent to Madras, and reached it with unusual expedition. Major-General Sir Hector Munro, who commanded the Madras army, took post on an elevated ground, called the Red Hills, distant about a league from Pondicherry, on the 8th of August, and on the 9th summoned the place to surrender. But his preparations were still so backward, that it was the 21st of August before he took possession of the bound hedge, within cannon shot of the town, and ground was not broken till the 6th of September. It was broken in two places, with a view to carry on attacks upon both sides of the town at once.

The British squadron, consisting of one ship of sixty guns, one of twenty-eight, one of twenty, a sloop of war, and an East Indiaman, sailed from Madras, toward the end of July, under the command of Sir Edward Vernon, with a view to block up Pondicherry by sea. This squadron reached the scene of action about the time when Sir Hector Munro encamped on the Red Hills and summoned the fort. The French squadron, under M. Tronjolly, consist-

ing of one ship of sixty-four guns, one of thirty-six, one of thirty-two, and two East Indiamen armed for war, sailed immediately, and prepared for action. The two squadrons met and engaged on the 10th of August. The battle raged with great fury for the space of seventy-four minutes, when the three minor ships of the French squadron quitted the action, and in fifteen minutes after were followed by the rest. The English ships, which, as usually happened in engagements with the French, had suffered chiefly in their rigging, were unable to pursue the French, which had suffered chiefly in their hulls. The French squadron reached Pondicherry the same night. Sailing badly, and opposed by the winds and the current, it was the 20th before the English recovered their station. Early on the morning of the 21st the French squadron was perceived under easy sail standing out of Pondicherry road. During the day the alternate failure and opposition of the winds prevented the squadrons from closing; and towards night the English commander stood in for Pondicherry road, and cast anchor, expecting that the enemy, to whom it was an object of so much importance to keep open the communication of Pondicherry by sea, would proceed in the same direction, and commence the action on the following morning. M. Tronjolly availed himself of the night. His squadron was out of sight before the morning, and was no more heard of upon the coast.

The garrison of Pondicherry was commanded by M. Bellecombe, a man whom this abandonment was not sufficient to dismay. Notwithstanding the total destruction which the works of Pondicherry had sustained in the former war, its fortifications had been restored with great diligence, and it was defended by a garrison who availed themselves of all its advan-

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tages. The English opened their batteries on the 18th of September, with the fire of twenty-eight cannon and twenty-seven mortars, and carried on their approaches with unremitting vigour; but the vigilance, activity, and enterprise of the garrison, compelled them to caution, and, together with the rains, which fell in torrents, retarded their operations. Towards the middle of October, having pushed a gallery on the south side into the ditch of the fort, having made a breach in one of the bastions, destroyed the faces of the two that were adjacent, and prepared a bridge of boats for passing the ditch; having also destroyed the face of the bastion on the opposite side of the town, and constructed a float for passing the ditch, they resolved to make the assault in three places at once, on the south side, on the north side, and towards the sea, where the enemy had run out a stockade into the water. All the marines, and 200 seamen, were landed from the ships. On the day first appointed for the assault, so much rain unexpectedly fell, as to swell the water in the ditch, blow up the gallery on the southern side, and damage the boats belonging to the bridge. The loss was diligently and speedily repaired. But M. Bellecombe, who had accomplished all that an able governor could perform, to retard the fall of the place, resolved not to throw away the lives of the gallant men who had seconded his endeavours, and the day before the intended assault proposed a capitulation. The English, by the generosity of their terms, and the liberality of their whole procedure, showed their high sense of the honour and gallantry of the enemy whom they had subdued. The garrison were allowed to march out with all the honours of war; and, at the request of M. Bellecombe, the regiment of Pondicherry was complimented with its colours. After a

delay of some months the fortifications were destroyed. BOOK V. CHAP. 5.

The French now retained in India nothing but Mahé, a small fort and settlement on the coast of Malabar. On the 27th of November, the question of its reduction was agitated in the Council, when the pride of driving the French entirely out of India enhanced the apparent advantage of the conquest. The difficulties were not inconsiderable: the march of the troops over land, from one side of India to the other, was long and hazardous: the disposition of the native chiefs, through the territory of whom it would be necessary to pass, was not in all cases ascertained to be friendly: the constitution of Europeans would be apt to fail, under the difficulties of the march: there was not shipping sufficient to convey the expedition by sea: it was at the same time apprehended that Hyder Ali would view the enterprise with jealousy and dissatisfaction, and not regarded as impossible that he would directly oppose it. The importance, however, of having no such talents as those of Frenchmen to cope with in India, and of not leaving to them a place to which either troops or stores could be sent, though both Hyder and the Mahrattas had very convenient places with which they would have gladly accommodated them, appeared of sufficient magnitude to induce the Presidency to brave all dangers in undertaking an expedition against Mahé. Towards the end of December, it was planned, that the European portion of the expedition should be conveyed by sea; that the Sepoys should march over land; that they should rendezvous at Anjengo, and Colonel Brathwaite receive the command. On the 4th of February intelligence was received at Madras, of the disaster sustained by the army of Bombay, on its march to Poona. The dan-

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ger to which this event might expose the expedition, now on its way to Mahé, underwent deliberation in the Council; but the confession of weakness, which would be implied in the recall of the troops, and the supposed importance of accomplishing the object in view, decided the question in favour of perseverance. Intelligence of the resolution of Hyder to resent the attack produced a hesitation; and the importance was discussed of gaining the friendship of that powerful chief by renouncing the enterprise; but after a short suspension, the design was resumed, and Colonel Brathwaite was instructed to anticipate resistance by velocity of completion. The expedition encountered far less difficulty than there was reason to expect: no opposition was made to the march: the fleet and the troops arrived safely at the place of rendezvous: and Mahé, which was strongly situated, but totally destitute of supplies, surrendered on the 19th of March before a cannon was fired. It was occupied by the English till the 29th of November, when, Colonel Brathwaite's detachment being ordered to Surat to reinforce General Goddard, the fort was blown up.[1]

Before Colonel Brathwaite was enabled to comply with his orders, and embark for Surat, he received a requisition from the chief and factory at Tellicherry for the assistance of the whole detachment. That settlement had drawn upon itself the resentment of Hyder by protecting a Nair chief who had incurred his displeasure. By the influence of Hyder, a number of the surrounding chiefs were incited to attack the settlement, which was closely pressed, at the time of the evacuation of Mahé. Not conceiving that he could be justified in leaving Tellicherry in its

[1] First and Second Reports of the Committee of Secrecy; also the Annual Register for 1779 and 1782.

perilous situation, Colonel Brathwaite moved with his detachment to its support. In consequence of the detention of those troops, the Council at Madras resolved to send another detachment to the assistance of Goddard, which were embarked in the months of January and February, 1780.[1]

In 1774, the divisions among the Mahratta chiefs afforded to Hyder an opportunity, which he dexterously and vigorously improved, of turning the tide in his affairs. He recovered speedily the territory which he had lost. He diligently employed the interval of repose which succeeded, in restoring order to his country, improving his revenues, augmenting the number and improving the discipline of his troops. His power soon appeared to be rapidly on the increase; and afforded alarm to the English, who, by their evasion of the treaty of 1769, were conscious of the hatred they had inspired, and were now jealous of a connexion between him and the French. He continued to extend his dominions, and increase his power, with little interruption, till the latter end of the year 1777, when the Mahrattas and Nizam Ali combined to chastise him. The Mahrattas, under Hurry Pundit and Purseram, penetrated into the Balagât country, with an army of 50,000 men; but upon the approach of Hyder, who hastened to oppose them, they retreated into the district of Adoni, where they came to an engagement on the 5th of January, 1778, and sustained a defeat.

Though Hyder was deeply exasperated against the Presidency of Madras for their continued evasion of treaty, and refusal of assistance, he was induced by the state of affairs to make a fresh proposal in 1778. Harassed, by the hostilities of the Poonah govern-

[1] First Report, ut supra, p. 56.

BOOK V. CHAP. 5. 1780.

ment, he had been well pleased to support a pretender in the person of Ragoba: the English were now involved not only in disputes with the Poonah ministers, but actual operations for the reinstatement of that ejected chief: and in the beginning of July, 1778, Hyder, through his resident at Madras, made a new overture towards an alliance with the English, offering his assistance to establish Ragonaut Row in the office of Peshwa; and requiring only a supply of arms and military stores for which he would pay, and a body of troops whose expenses he would defray. The opinion of the Presidency appears to have been, that such an arrangement might be useful, more particularly to prevent the formation of a connexion between Hyder and the French: they even acknowledged their belief, that had not the treaty of 1769 been evaded, Hyder never would have sought other allies than themselves. The supreme Council, to whom reference was made, approved in general of an alliance with Hyder; but being at that time zealous to form a connexion with the Rajah of Berar, they directed a modification of the terms in regard to Ragoba, whose cause, they said, was supported, not as an end, but a means, and a means now deemed subordinate to the successful issue of the negotiation with Moodajee.

A friendly intercourse subsisted between Hyder and the French. He had been supplied by them with arms and military stores. A number of adventurers of that nation commanded and disciplined his troops; and they were united by a common hatred of the English power. A desire to save appearances, however, constrained Hyder to congratulate the English upon the reduction of Pondicherry; but, anticipating the design of attacking Mahé he gave early intimation of the resentment with which he would

BOOK V. CHAP. 5. 1780.

regard any such attempt. Mahé was situated in the territory of a petty prince on the western coast, who, with the other petty princes, his neighbours, were rendered tributary to Hyder, and ranked among his dependants. The merchants of various nations, it was declared by Hyder, had settlements, and performed traffic in his dominions; and all of them, as if they were subjects of his own, he would resolutely defend. To soften his animosity and prevent a rupture, which the dread of his power, and, above all, his apprehended union with the French, clothed in considerable terrors, there was sent to his presence, in January, 1779, a person, who, though empowered to declare the resolution of attacking Mahé, should assure Hyder of the desire which the Presidency felt to study his inclinations, and to cultivate his friendship. The messenger was received with but little respect, and the invasion of Carnatic was threatened as the retaliation for interfering with Mahé. At that particular moment, Hyder was engaged in the conquests of Gooti, of Carnoul, and Cudapah; the former belonging to the Mahratta chieftain Morari Row, the two last to their respective Nabobs, dependants of the Subahdar, and thence was hindered from taking effectual measures to defeat the expedition against Mahé. But the Presidency were now convinced of his decided aversion; and were informed of his intention to make peace with the Mahrattas, for enabling him the more completely to carry into execution his designs against the English. Their thoughts were called to the necessity of preparation; and they saw nothing but dangers and difficulties in their path. The Nabob, as he informed them, and as they knew well without his information, was destitute of money; and as destitute of troops, on whom, either for numbers or quality, any reliance could be

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placed. Their own treasury was impoverished; and if the cavalry of Hyder should enter the country, neither could the revenues be collected, nor provisions be procured. More alive than they to the sense of danger, the Nabob urged the necessity of making peace with Hyder, by stopping the expedition to Mahé; or, on the other hand, of making terms with the Mahrattas and the Subahdar. So far from attempting to conciliate either Hyder or the Subahdar, the Presidency formed with Bazalut Jung the arrangement which has been already described, respecting the Guntoor Circar and military assistance, and which, in the highest degree, alarmed and exasperated both. The detachment which under Colonel Harpur was sent to the assistance of Bazalut Jung, attempted to proceed to Adoni, through a part of Cudapah, which Hyder had lately subdued. His troops barricaded the passes; and the detachment, afraid of being surrounded, was obliged to march back and wait for subsequent orders. Hyder not only assured Bazalut Jung, by writing, that he would not permit the English, whom he described as the most faithless and usurping of all mankind, to establish themselves in a place so contiguous to his country, and so important as Guntoor; but in the month of November he sent a body of troops into the territory of that Prince, took possession of the open country, and joined with Nizam Ali his brother in threatening him with instant ruin, unless he broke off all correspondence with the English. In this emergency Bazalut Jung was constrained to forbid the march of the English detachment; and to request the restoration of Guntoor, as the only means of pacifying his brother and Hyder, and averting his fate. The question respecting the Circar came under deliberation of the Council on the 30th of December, when the

decree was passed that it should not be restored. Though its importance was considerable, because situated as it was between the territories of the Nabob, or, more properly speaking, of the English, in Carnatic, and the four Northern Circars, it completed the communication between their northern and southern possessions, and, by placing in their hands the port of Mootapilly, deprived Nizam Ali of all connexion with the sea, reduced him to the condition of a merely inland power, and in particular closed the channel by which French supplies could easily reach him; yet the embarrassment created in the Council, by the bargain they had concluded with the Nabob, for a ten years' lease of that Circar, contributed not less, it would appear, than all other inducements, to the resolution which they formed.

Under the apprehensions which the resentment and preparations of Hyder inspired, the Presidency, at the end of October, had presented to the Supreme Council the prospect of a rupture with that chieftain, the dangerous magnitude of his power, and their want of resources; had pressed upon them the necessity of forming a peace with the Mahrattas, as in that event Hyder would be restrained by his fears; they had also written in similar terms to General Goddard at Bombay. Soon after, when they were informed of the probability that hostilities would be renewed with the Mahrattas, they reiterated the statement of their apprehensions; and concluded that, destitute as they were of resources for all active operations, they could only collect their troops as much as possible, and wait to see what the resolutions of the Supreme Board would enable them to undertake.

Before the end of November, the Nabob, whose intelligence respecting the proceedings of the Indian

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powers was in general uncommonly good, informed the Governor, that a treaty had been formed, between Hyder and the Mahrattas, to which Nizam Ali had acceded, for a system of combined hostilities against the English. Though in his answer to the Nabob the Governor appeared to discredit the intelligence, it was not long before he was satisfied of its truth; and, in the letter, which, on the 31st of December, the Select Committee addressed to the Supreme Board, they represent the treaty between Hyder and the Mahrattas, as an undoubted fact. Still they were not so much impressed with a sense of imminent danger, as to be deterred from sending a body of troops to the assistance of Goddard, in lieu of those which were detained at Tellicherry; being in daily expectation of a regiment from Europe; conceiving themselves sufficiently strong to cover the principal garrisons; and deeming it vain, without cavalry, to attempt to protect the open country against the invasion of a vast body of horse. In the month of January, 1780, the President wrote to the Court of Directors, that, notwithstanding the alarms in which they had been held by the hostile appearances of Hyder and the Nizam, and notwithstanding the provocation which the support of Ragoba had given both to the Mahrattas and the Nizam, there was still a prospect of tranquillity; and in the following month, he repeated, in still stronger terms, a similar assurance. Till the month of June, no measures were pursued which had a reference to the war; and even then it was only commanded that Colonel Harpur's detachment, which had been transferred to the command of Colonel Baillie, should cross the Kistna, to be more in readiness, "in case of any disturbance in the Carnatic." On the 19th of June intelligence was received from the officer at Velore, that Hyder had

begun his march from Seringapatam, and that a great army was already collected at Bangalore. On the 28th of the same month, the Select Committee of Fort St. George declared, by letter to the Supreme Board, that Hyder had received from the French islands a great quantity of military stores; that his army, which he had been rapidly increasing for two years past, was now equipped for immediate service; that a part of it was already advanced to the borders of Carnatic; and that intelligence had been received of his being actually employed in clearing the road to one of the principal passes.

While the affairs of the Presidency were approaching to their present situation, a division had existed not only in the Council, but in the Select Committee itself. The President however and the General had combined; and they retained a majority in both. In contemplation of the resentment of Hyder, and the progress of his power, the party, the views of which were apt to discord with those of the leading members of the government, had strongly urged upon them, at various times, the necessity of making preparations against the invasion with which they were threatened by Hyder, and of which they had received intimation from various quarters. If the resources of the Nabob and the Presidency combined were unequal to the maintenance of an army sufficient for the protection of the open country, it behoved them at least to assemble the troops; which, scattered as they were in petty garrisons over a great extent of country, could not, in case of an emergency, be collected without a lapse of time; and of which the junction would become hazardous, and perhaps impracticable, if the country were pervaded by Hyder's horse. The majority, indeed, had expressed their opinion of the necessity of having the troops collected in a body, and

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ready to act, previously to invasion. But they had not yet become persuaded that the danger was sufficiently imminent to render it necessary that preparation should begin.

On the 21st of July information was brought from the commander at Amboor, that Hyder and his two sons, with the principal part of his army, had come through the pass, and that his artillery was drawn up in the road to Changama. This intelligence, though it was confirmed from several quarters, was treated with slight regard by the party in power; and on the 23d, when Lord Macleod represented to the Governor, "That perhaps the report of Hyder's invasion might be true, and that he thought at all events they ought to take measures to oppose him; the Governor answered, What can we do? We have no money. But added, We mean, however, to assemble an army, and you are to command it."[1] The next day brought undoubted intelligence, that Porto Novo, on the coast, and Conjeveram, not fifty miles from the capital, had been plundered by the enemy.

The army, with which Hyder had arrived, was not less than 100,000 strong: Of his infantry, 20,000 were formed into regular battalions, and mostly commanded by Europeans: His cavalry amounted to 30,000, of which 2,000 were Abyssinian horse, and constantly attended upon his person; 10,000 were Carnatic cavalry, well disciplined, of which one half had belonged to the Nabob, and after having been trained by English officers, had either deserted or been disbanded for want of ability to pay them: He had 100 pieces of cannon managed by Europeans,

[1] Lord Macleod was the commanding officer of the European regiment which had lately arrived. See the extract of his Letter to the Secretary of State, quoted in the First Report of the Secret Committee p. 44 and 51.

and natives, who had been trained by the English for the Nabob: And Monsieur Lally, who had left the service of the Subahdar for that of Hyder, was present with his corps of Frenchmen or other Europeans, to the amount of about 400 men; and had a principal share in planning and conducting the operations of the army.

The arrival of Hyder, and the rapidity with which his cavalry over-ran the country, and spread ruin and desolation in a circle of many miles round Madras, filled Carnatic immediately with terror and dismay. The people fled from the open country to the woods, and the mountains; their houses were set on fire; the fields were left uncultivated, or the crops destroyed: Alarm succeeded alarm: Intelligence poured in from all quarters, that one place after another was assailed; till every part of the Carnatic frontier appeared to be entered, and even the northern Circars exposed to a similar fate.

On the 24th of July, the Select Committee assembled in deliberation. The object of greatest urgency was, to call the troops together, and form an army in the field. The European regiment at Poonamallee, that of Velore, the battalion of Europeans, and the four battalions of sepoys cantoned at Pondicherry, the battalion of sepoys, and the grenadiers of the European battalion at Madras, the battalion at Trichinopoly, and the artillery at the mount, received orders to be in readiness to march. Absent officers were summoned to join their corps; and all things necessary for an army in the field were ordered to be immediately prepared: Letters were sent to the other Presidencies and settlements: The Governor-General and Council were importuned for money; and informed, that, if the Presidency were assured of pecuniary means, and not embarrassed by

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their ignorance of the state of affairs between the Bengal government and the Mahrattas, they would produce an attack on the possessions of Hyder on the western coast, by assistance sent to the detachment at Tellicherry, and the co-operation of his Majesty's fleet.

Colonel Baillie, who commanded the detachment in Guntoor, consisting of about 150 Europeans, infantry and artillery, and upwards of 2,000 sepoys, was instructed to operate a diversion, by attacking Cudapah, or some of the other possessions of Hyder. This step was vehemently opposed in council by the antagonizing party; as sure, they said, to fail in detaching from his principal object any part of the attention or forces of Hyder; and sure to enfeeble their defence at home, by the absence of so important a part of their forces, which ought to be directed to march without a moment's delay by the safest route to Madras. As an additional reason for persisting in their original orders, the Governor and his majority alleged their doubts of being able to procure provisions for a greater number of troops than the marching orders already embraced. But on the 31st of July, when a letter was received from Colonel Baillie, representing the difficulties he experienced in finding subsistence for his troops, or in detaining the bullocks absolutely necessary for his march, they altered their instructions, and directed him to proceed towards the Presidency, taking such a route as might offer a chance of intercepting some of the enemy's convoys.

By the majority, in which both the Governor and the General were comprised, it was resolved, that the troops should assemble, and the army should be formed at a place near Conjeveram; where they would be nearer to the stores of provisions laid up by

the Nabob in the forts, and prepared to yield a readier support to the garrisons which the enemy might assault. To constitute the majority of the Governor, it so happened, that the voice of the General was requisite; and if he departed to take the command of the army, that majority would be lost. On the ground that his counsels at the Presidency were of more importance at this moment, than his presence with the army, it was moved and voted that he should not depart; and that the command of the army should be entrusted to Lord Macleod. When the plan of operations, however, and in particular that part of it which consisted in assembling the army at Conjeveram, was communicated to that officer, he represented the danger with which, now that the country was invaded, the separate detachments would march to a place so distant and exposed; preferred the security of forming a junction in the neighbourhood of Madras, and of not taking the field till an army should be assembled sufficient at least to cope with the principal bodies of the enemy's horse; and declared his aversion to adopt a responsibility in the execution of plans of which his judgment did not approve. These observations appear to have piqued the General, who insisted upon the advantage of assembling close to the scene of action, for the purpose of protecting the forts; and instead of acknowledging the difficulty of uniting the forces near Conjeveram, he ventured to pledge himself to the Committee for carrying that measure into effect. Upon this, it became a matter of necessity, that he should leave his seat in the Select Committee; but to preserve its majority to the party to which he belonged, a new expedient was devised. On the allegation, that his plans had no chance of support, and that his reputation, neither as an officer nor a man, was safe, if the

BOOK V. CHAP. 5. 1780. managing power were to pass into the hands of the opposite party, it was, previous to his departure, proposed, and what was thus proposed, the majority which he helped to constitute had pre-ordained to decree, that a person, whom he named, should be appointed as an acting member of the Committee till his return. It naturally followed, that such proceedings should be severely criticized by the opposite party; and one member of the Council excited so much resentment by the asperity of his remarks, that the majority, first replied to him with greater intemperance than that which they condemned; then suspended him from his seat at the Board; and lastly the General wrote him a challenge.

On the 2d of August, while preparations were making, and the army was not yet assembled, a project was adopted for sending a strong detachment toward the passes, with a view to intercept the enemy's convoys. Colonel Cosby was the officer chosen to command the expedition; and a force was provided for him, out of the troops stationed at Trichinopoly and Tanjore, strengthened by two regiments of the Nabob's cavalry from Tinivelly, which joined the detachment at Trichinopoly on the 27th of August. Several causes of retardation operated on the expedition; but the grand impediment arose from the disaffection of the inhabitants. The sort of partnership sovereignty, which the Nabob and the Company had established in Carnatic, had hitherto been extremely oppressive to the people, and had completely succeeded in alienating their minds. Though Hyder was carrying devastation over the country, he was less detested as a destroyer than hailed as a deliverer. While Colonel Cosby found himself in the greatest distress for intelligence, which by no exertion he was able to procure; every motion

of his own was promptly communicated to Hyder by the people of the country:[1] He was disappointed and betrayed even by the district officers of the Nabob: As he advanced, his march became so much infested by parties of the enemy's horse, that all hope of any successful operation against the convoys was wholly cut off; and the danger which surrounded the detachment made it necessary to think of nothing but the means of re-uniting it with the army. A total want of intelligence reduced Colonel Cosby to mere conjecture in choosing his route; and he fell in with the army by accident, as it was retreating before Hyder, on the 12th of September near Chingliput.

Not only every day brought fresh intelligence of the conquest and devastation effected by Hyder; Madras itself on the 10th of August was thrown into alarm. A party of the enemy's horse committed ravages as near as St. Thomas's Mount; and the inhabitants of the open town began to take flight.

On the 14th of August, the General was obliged to report, that the place of rendezvous, which he had persisted in recommending, was unfit; the want of bullocks to carry provisions rendering the march impracticable. On his recommendation, it was therefore agreed, that the troops should meet at St. Thomas's Mount; and there wait till eight days' provisions, and bullocks to carry it, could be procured.

Colonel Brathwaite, after sending away from

[1] Captain Cosby, in his official letter, dated Gingee, 5th September, 1780, says, "There is no doubt but that Hyder has, by some means, greatly attached the inhabitants to him, insomuch that my hircarrahs (*spies*) tell me, the news of my marching from Thiagar was communicated from village to village all the way to Trinomallee, from whence expresses were sent to Hyder; and in my march yesterday from Tricalour, the country being extremely woody, the line was several times fired upon by match-lock fellows collected together, I suppose, from different villages, by Hyder's Amuldars. Some of them, till my approach, were issuing orders six miles from this." First Report, ut supra, Appendix, No. 3.

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Pondicherry all the French officers capable of service, and taking an oath of fidelity from the principal Frenchmen that remained, commenced his march. He arrived at Carangoly on the 12th of August; and found it garrisoned by only a petty officer of the Nabob and twenty sepoys. They would have surrendered it, he was well assured, on the very first summons; and had it not by a singular oversight, as it commanded the only road by which Brathwaite could proceed, been neglected by the enemy, who had a large body of horse in its neighbourhood, the most serious consequences might have ensued. The country through which he passed after leaving Carangoly would have rendered it so difficult for him to escape, if attacked by the enemy, that he formed a very contemptible opinion either of Hyder's military skill or his means of offence, when he allowed so favourable an opportunity to be lost. On the 18th, after a hazardous and fatiguing march, Colonel Brathwaite arrived at Chinliput, when he received orders to join the army at the Mount.

After various speculations and reports respecting the plan of hostilities which Hyder would pursue, uncertainty was at last removed, by his marching towards Arcot, and taking ground before it on the 21st of August. The danger of that place excited no little interest and alarm. It was not only the capital of the province, but contained the principal portion of the very defective stores which the Nabob had provided; and afforded to Hyder a situation, highly convenient, both for the accommodation of his troops, and for spreading his operations over the province. From every quarter alarming intelligence arrived. The troops of Hyder were expected in the circar of Guntoor, which had neither forts nor soldiers sufficient to oppose them, and where the Zemin-

dars were disaffected to the Company and in correspondence with the enemy. An army of Mahrattas from Berar had marched into Cuttack, and brought into imminent danger the defenceless state of the northern circars. A body of Hyder's troops had united with the Nairs, and having driven the Company's troops from the Island of Durampatnam, threatened Tellicherry, with all the British possessions on the coast of Malabar. The enemy had appeared on the frontier of Madura, and the admiral of the fleet communicated to the President and Select Committee intelligence which he had received from Europe, and on which he relied, that a French naval and military force might soon be expected in India.

While pressed by dangers, thus extraordinary both in number and degree, the Presidency found their treasury empty; they had endeavoured to borrow money upon the Company's bonds with little effect, the loans of the Nabob bearing a better interest; they made urgent applications to the Nabob for pecuniary and other supplies, and received from him a deplorable picture of his own poverty and necessities, of the wretched and unproductive condition of the whole country, and the oppressive load of his debts, principally, he said, produced, by the money which he had expended and lost in the conquest of Tanjore: To a similar application made to the Rajah of Tanjore, the Rajah replied, with a truth not liable to dispute, that from the total exhaustion of his country by the recent conquest, and by the oppressive administration of the Nabob for several years, he was wholly incapable of furnishing any considerable supplies. By desertion for want of pay, or disbanding for want of ability to pay, the Nabob's army was greatly reduced. Even that reduced army was mutinous from the length of

BOOK V. CHAP. 5. its arrears, and a source of apprehension rather than of hope.

1780. On the 25th of August, the General left the Presidency, and joined the army which was encamped at St. Thomas's Mount. Of cavalry, there was one regiment, belonging to the Nabob, but commanded by English officers, and it refused to march unless it received its arrears. The men were deprived of their ammunition and arms; and about fifty-six of them only consented to serve. The rest of the army consisted of the King's 73d regiment, one battalion of the Company's European troops, with the grenadiers of another, five battalions of sepoys, a company of marksmen, two troops of cavalry, and a large train of artillery, amounting, officers included, to 5209.[1] With the utmost difficulty as much rice had been provided as would serve the troops for eight days; the sepoys were obliged to be loaded with four days' supply; and the utmost efforts barely sufficed to procure bullocks to carry the remainder. The General, notwithstanding, insisted upon loading his march with a number of heavy cannon; of which, as he had no fortifications to attack, the use did not appear to be very remarkable. On the 26th, the army left the Mount, and, after a march of four days, reached the camp near Conjeveram. During the two last days, the rain had fallen with great violence, had broken the roads, and rendered the march, especially with heavy artillery, slow and fatiguing. The enemy's cavalry had pressed upon them in great numbers, and wounded and taken some of the men. The agent of the Nabob, who accompanied the army, and on

[1] 184 European infantry, 294 artillery, 3,434 sepoys, thirty-two field pieces, four heavy cannon, and five mortars.

whom the General depended to procure both provisions and intelligence, informed him, that he had no power for procuring either the one or the other; and his only remaining resource was in the paddy in the fields about Conjeveram.

It had been concerted, that the detachment of Colonel Baillie should reach Conjeveram on the day after the arrival of General Munro and the army. But on the 31st, a letter from Baillie gave information that he had been stopped about five miles north from Trepassore by a small river which the rains had swelled. On the same day, it was reported by some deserters that Hyder had left Arcot, was crossing the river Palâr, and marching with his whole army toward Conjeveram. On the 3d of September, the same day on which Baillie crossed the river by which he had been impeded, the enemy encamped at five miles distance in front of the army near Conjeveram. The continuance of the rains, and the necessity of collecting the rice in the fields, and beating it for themselves out of the husk, greatly incommoded and harrassed the troops. On the 6th, the enemy moved his camp to the north-east; upon which the English advanced to a high ground about two miles upon the road towards Ballee and Trepassore, having the enemy at a distance of about two miles upon their left. While this movement was performing, Hyder had sent forward his son Tippoo Saib with a large body of the flower of his army to cut off the English detachment with Colonel Baillie, who had now advanced to Peerambaucum, distant from the main army about fifteen miles. Baillie made a disposition to resist a prodigious superiority of force; sustained a severe conflict of several hours; and at last repelled the assailants. By a letter on the 8th, he informed Munro, that upon a review after the battle he found

BOOK V. CHAP. 5. 1780. the movement, requisite for joining him, beyond the powers of his detachment; and intimated the necessity, that the General should push forward with the main body of the army. The General now found himself pressed by dangers, to whatever quarter he turned. All his provisions consisted in a small quantity of paddy which he had been able to collect in a pagoda. If he moved, the enemy would occupy his ground, and cut him off from the means of subsistence. With the concurrence of his principal officers, he adopted an expedient, of which the danger was scarcely, perhaps, less formidable; that of still further dividing his little army, by sending a strong detachment, which, joining Baillie, might enable him to proceed. About nine o'clock in the evening of the 8th, Colonel Fletcher marched with the flank companies of the 73d regiment, two companies of European granadiers, one company of sepoy marksmen, and ten companies of sepoy grenadiers. The field pieces, which the General proposed to send with the detachment, Colonel Fletcher declined, as calculated to impede his march. The men left even their napsacks, and marched with only two days' provisions. Being joined by this detachment, Baillie was instructed to move in the evening of the 9th, and march the whole of the night. On that night the tents of the main army were struck, and the men lay on their arms. About twelve o'clock some cannon and musketry were heard; but they presently ceased, and all was still. A little before day break, a heavy firing of cannon and musketry was heard at a distance. It was soon perceived that the enemy's army had moved: The General gave orders to march by the right in the direction of the firing. After proceeding about four miles, he ordered guns to be fired, as a signal of his approach; and after a mile and a half,

repeated the signal. A great smoke was suddenly perceived, and the firing ceased. Supposing that Baillie had repulsed the enemy, the General led the army back into the road, in hopes to meet him. After marching about two miles, he met a wounded sepoy, who had escaped from the fight, and told him that Colonel Baillie was entirely defeated. The General concluded that the safety of the army depended upon its returning to Conjeveram; where it arrived about six in the evening, and where the arrival of more wounded sepoys confirmed the report of the disaster.

While the English general was placed in so complete an ignorance of the proceedings of the enemy, Hyder had intelligence of every transaction of the English camp: He was correctly informed of the route of Colonel Fletcher, the number and quality of his troops, the time of their march, and even the circumstance of leaving their cannon behind. He sent a strong detachment to intercept them. But, the sagacity of Fletcher suggesting suspicion of his guides, he altered his route, and, by cover of night, evaded the danger. The junction of the two detachments, after the defeat by Baillie of so large a portion of the enemy a few days before, struck alarm into the Mysorean camp. Even the European officers in the service of Hyder regarded the junction as a masterly stroke of generalship, intended for the immediate attack of his army both in front and rear. Lally himself repaired to Hyder, and intreated him to save his army from destruction by a timely retreat. The resolution of Hyder was shaken, till two of his spies arriving, assured him, not only that the English army at Conjeveram was not in motion, but that it was making no preparation to that effect. To his European officers this intelligence appeared so perfectly incredible, that they concluded the spies

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to be sold, and entreated Hyder not to incur his ruin by confiding in their report. Hyder immediately formed his plan. A difficult part of the road was enfiladed with concealed cannon; and large bodies of the best part of his infantry were placed in ambush on either side; a cloud of irregular cavalry were employed to engage the attention of the English main army in the direction of Conjeveram, while Hyder, with the main body of his army, lay to watch the attack.

Colonel Fletcher joined with his detachment at half an hour after six in the morning of the 9th. They reposed during the day; and after the parade in the evening, Colonel Baillie gave orders to be in readiness to march. Between eight and nine o'clock, the men moved off toward the left by way of Subdeverim. The enemy began immediately to discharge their rockets; but, from the vigilance of the flanking parties, did little execution. A little after ten o'clock several guns opened on the rear. The detachment countermarched, and formed in line with the front toward Perambaucum. The enemy keeping up an incessant, though not very destructive fire, and discovering no inclination to advance, Colonel Baillie ordered his men to face to the right, and march into an avenue, which they had passed a few minutes before. The enemy's cannon began to do great execution; when Baillie detached a captain, with five companies of Sepoys, to storm their guns. Though a water-course, which happened at that time to be unfordable, prevented this detachment from performing the service on which they were commanded, the intelligence of their march, which was immediately communicated to the enemy, threw their camp into alarm; their guns were heard drawing off towards the English front, and their noise and irregular firing

resembled those of an army under a sudden and dangerous attack. A strong conviction of the necessity of preserving every portion of the little army, with which the mighty host of the enemy was to be withstood, suggested, in all probability, both to Colonel Baillie and to the General, a caution which otherwise they would not have observed. For what other reason Colonel Baillie forbore to try the effect of an attack during the apparent confusion of the enemy; or, for what reason, unless a hope of being supported by the General with an attack on the opposite side, he did not, when the firing ceased, endeavour to proceed, but remained in his position till morning, it is not easy to divine. During the night, Tippoo, who had commanded only a detachment of the army in the preceding attack, had an opportunity of drawing his cannon to a strong post on the road, by which the English were obliged to pass; and of sending to his father advice, on which he immediately acted, of the advantage of supporting the attaok with the whole of his army. At five o'clock in the morning Colonel Baillie's detachment began to advance. A few minutes after six two guns opened on their rear; and large bodies of horse appeared on their flanks. Four guns, which began to do considerable execution on their flanks, were successfully stormed; and the Pagoda of Conjeveram, the object of their hopes, and the termination of their perils and labour, began to appear; when they were informed, that the whole host of Hyder was approaching. "Very well," said Baillie, "we shall be prepared to receive them." And presently after, upwards of sixty pieces of cannon, with an immense quantity of rockets, began to play upon this little army. Great confusion was produced among the numerous followers of the camp, who were driven in upon the line; and Hyder's numerous

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cavalry, supported by his regular infantry, and his European corps, bore upon every point of attack. Nothing ever exceeded the steadiness and determination with which this handful of men sustained the fury of their enemies. No effort could break their order; while Sepoys, as well as Europeans, repeatedly presented and recovered arms, with as much coolness and regularity, as if they had been exhibiting on a parade. Every attack of the enemy was repulsed with vast slaughter. Their courage began to abate; and even Hyder himself was perplexed. A movement executed by Colonel Baillie to the right, apparently with a view to attack the enemy's guns, increased the terrors of Hyder; and he consulted Lally on the propriety of a retreat: Lally replied, that as the main army of the English was probably advancing upon his rear, no expedient remained but to break through the detachment. When the heroic bravery of this little band presented so fair a prospect of baffling the host of their assailants, two of their tumbrils blew up; which not only made a large opening in both lines, but at once deprived them of ammunition, and overturned and disabled their guns. Their fire was now in a great measure silenced, and their lines were no longer entire; yet so great was the awe which they inspired, that the enemy durst not immediately close. From half after seven, when the tumbrils blew up, they remained exposed to the fire of the cannon and rockets, losing great numbers of officers and men, till nine o'clock, when Hyder, with his whole army, came round the right flank. The cavalry charged in separate columns, while bodies of infantry, interspersed between them, poured in volleys of musketry with dreadful effect. After the sepoys were almost all destroyed, Colonel Baillie, though severely wounded, rallied the Europeans who sur-

vived. Forming a square, and gaining a little eminence, without ammunition, and almost all wounded, the officers fighting with their swords, and the men with their bayonets, they resisted and repelled thirteen attacks, many of the men when desperately wounded disdaining to receive quarter, and raising themselves from the ground to receive the enemy on their bayonets. Though not more than four hundred men, they still desired to be led on, and to cut their way through the enemy. But Baillie, despairing now of being relieved by Munro, and wishing, no doubt, to spare the lives of the brave men who surrounded him, deemed it better to hold up a flag of truce. The enemy at first treated this with contempt. After a few minutes, the men were ordered to lay down their arms; with intimation that quarter would be given. Yet they had no sooner surrendered, than the savages rushed upon them with unbridled fury; and had it not been for the great exertions of Lally, Pimoran, and other French officers, who implored for mercy, not a man of them probably would have been spared. The gallant Fletcher was among those who lay on the field of battle. About two hundred Europeans were taken prisoners, reserved to the horrors of a captivity more terrible than death. The inhuman treatment which they received was deplored and mitigated by the French officers in the service of Hyder, with a generosity which did honour to European education. "No pen," says an eye-witness, and a participator of their kindness,[1] "can do justice to the humanity of

[1] See "A Narrative of the Captivity and Sufferings of the Officers, Soldiers, and Sepoys, who fell into the Hands of Hyder Ali, after the Battle of Conjeveram, September 10, 1780; by an officer of Colonel Baillie's Detachment." It forms the second volume of the work entitled, "Memoirs of the late War in Asia," published by Murray, in 1788. N. B. Before reading the proof of this sheet, I have had the advantage of

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those gentlemen, without whose assistance, many of our officers must have perished: But their merit will live for ever embalmed in the hearts of all who felt or witnessed their beneficence."

Hyder withdrew to Damul, a place about six miles from the scene of action, and the next day returned to his camp, where he had left the tents standing, and baggage unmoved, when he marched to the attack of the unfortunate Baillie. He had acted, during the whole of these operations, under the greatest apprehension of the march of Munro, upon his rear. And had not that General been deterred, through his total want of intelligence, and his deficiency in the means of subsistence, from marching to the support of Baillie; had he fallen upon the rear of the enemy while the detachment was maintaining its heroic resistance in front, it is probable that the army of Hyder would have sustained a total defeat. On returning to Conjeveram, after intelligence of the fate of the detachment, the General found that the provisions, which he had been so unwilling to expose, amounted to barely one day's rice for the troops. Concluding that he should be immediately surrounded by Hyder's cavalry and cut off from all means of providing any further supply, he began at three o'clock the next morning to retreat to Chingleput, after throwing into a tank the heavy guns and stores which he could not remove. Hyder, informed of all

perusing the account of the same action in the second volume (not yet published) of "Historical Sketches, &c. by Colonel Wilks." The account in the text is taken from the journal of one eye-witness. Colonel Wilks gives an account from that of another, much less favourable to the detachment and its commander. According to the authority of Colonel Wilks a series of military blunders, and not much of mental collectedness, marked the conduct of the leader; and no little confusion and panic appeared among the men. Which account are we to believe? Why this; that when proof is balanced, it is always more probable that men have acted like ordinary men, than that they have acted like heroes.

the motions of the English army, sent a body of not less than 6000 horse, who harassed continually their flanks and rear, wounded same of the men, and cut off several vehicles of baggage. Through several difficulties, they reached, about eleven at night, a river, within a mile and a half of Chingleput, so deep, that the rear of the army passed only at nine o'clock on the following morning. At this place the General expected to find a stock of provisions; but, with all his endeavours, could hardly procure paddy for a day. Fortunately for Colonel Cosby, as he was about to make a forced march to Conjeveram, he met with one of the fugitive sepoys from Colonel Baillie's camp, upon whose intelligence he proceeded to Chingleput, and though considerably harassed by the enemy on his march, joined the army in safety on the morning of the 12th. Leaving the sick, and part of the baggage, at Chingleput, the whole army, at six o'clock on the morning of the 13th, began their march for the Mount, at which they arrived in the afternoon of the following day. Nothing could exceed the consternation and alarm of the Presidency, which now trembled even for Madras; and destitute as it was not only of provisions but supplies of every kind, if Hyder had followed the English with his usual impetuosity, and with his whole army assailed the place, it is hard to tell how nearly, if not completely, he might have involved the Carnatic interests of the nation in ruin.[1]

On the 4th of September the Supreme Council in Bengal had deliberated upon the situation of the Pre-

[1] For the original documents relative to this irruption, see First Report, ut supra, with its Appendix. In "Memoirs of the late War in Asia," i. 134—168, besides the concomitant transactions, is a narrative of the transactions of Baillie's detachment, from the information of an officer who belonged to it. The Annual Register for 1782 contains a tolerable account, chiefly drawn from the Parliamentary Reports.

BOOK V. CHAP. 5. 1780. sidency of Madras, and the propriety of adding to their pecuniary resources; but as the Supreme Council were still uncertain as to the reality of Hyder's invasion, or the success of the Presidency in raising money, it was agreed, that proceedings should be delayed till further intelligence.

The Supreme Council were highly dissatisfied with the Governor and Council of Fort St. George, who had not only passed the severest strictures on their policy, but, in the business with Nizam Ali, the Subahdar, had acted contrary to their declared inclinations, and even commands. The Madras Presidency, offended with the interference of the Supreme Council in their negotiation with the Subahdar, and with their own envoy, Mr. Holland, as an instrument in that interference, resolved that he should be recalled. The Supreme Council, being made acquainted with that resolution by Mr. Holland, and apprehending a greater estrangement of the mind of the Nizam by so abrupt a conclusion of the correspondence with the Company, came to an opinion, on the 14th February, 1780, that advantage would arise from appointing a person to represent themselves at the Nizam's court; and to obviate the appearance of disunion between the Presidencies, they made application to the Governor and Council of Madras, whose servant Mr. Holland more immediately was, for their permission to vest that gentleman with the office; and in the mean time directed him to remain with the Nizam till the answer of the Presidency was obtained. The offended minds of the Presidency, not satisfied with the recall of Mr. Holland, which had not produced an immediate effect, suspended him from their service. The Supreme Council, now freed from their delicacy in employing the servant of another Presidency, appointed Mr. Holland imme-

diately to represent them at the court of the Subahdar. They transmitted also their commands to the Governor and Council of Madras, under date the 12th of June, 1780, to make restitution of the Circar of Guntoor. No step however had as yet been taken in the execution of that measure by the government of Madras: and this the Governor-General represented, as a conduct which demanded the most serious consideration, and the decided interposition of the Sovereign Board.[1]

On the 25th, however, of the same month of September, when intelligence had arrived not only of the actual invasion of Hyder, but of the discomfiture of Baillie, and the retreat of the army to the vicinity of Madras, with the poverty and helplessness of the Presidency, and the general havoc of the province by a barbarous foe, the Governor-General, regarding only the means of recovering the blow, and meeting the exigency with a clear judgment and a resolute mind, proposed, that all the faculties of their government should be exerted, to re-establish the power of the Company on the coast. He moved that the sum of fifteen lacs of rupees, and a large detachment of European infantry and artillery, should immediately be sent to the relief of Madras: he also moved that Sir Eyre Coote should be requested to take upon himself, as alone sufficient, the task of recovering the honour and authority of the British arms: and recommended that an offer of peace should be made without delay to the Mahratta state. Upon the joint consideration, first, of the indigence and dangers of the Bengal government; secondly, of the probability of mismanagement on the part of the government of Madras; and, lastly, of the resources which

[1] Second Report of the Committee of Secrecy.

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threatening the Regent of Berar, if he afforded assistance to the English. The Regent distrusted his means of resistance, and dared not to form the interdicted conjunction: Nizam and the Poonah chiefs even insisted that he should send an army to invade and ravage Bengal, and he was afraid to resist the command: as he had no intention however to bring upon himself the resentment of the English, he communicated to the Governor-General intelligence of the constraint under which he acted; and, though he sent into Cuttack an army of 30,000 horse, under his son Chimnajee Bonsla, he promised to contrive, by means of delay, that it should not reach the borders of Bengal, till the season of action was over, and the rains begun. When it did arrive, which was early in June, 1780, it was in such distress for want of provisions, as to find a necessity of applying to the Bengal government for aid. The policy of preserving, if possible, the relations of amity with the state of Berar, as well as the motive of making a suitable return for the accommodations afforded to Colonel Goddard on his march, disposed the government to comply with its request. The army of Chimnajee Bonslah was in want of money no less than provisions; and on the 21st of September, an urgent request was tendered for a pecuniary accommodation, which the Governor-General privately, and without communication with his Council, in part supplied; at the same time intimating, that it depended upon the recall of that army from Cuttack, or its junction with the troops of the Company, to enable him to propose a public gratuity better proportioned to its wants. It might in these circumstances be presumed, that Chimnajee Bonslah would not hinder an English detachment to pass through Cuttack for Madras; but evil intentions on his part were

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still very possible; on that of Nizam Ali something more than possible; the hazard of a march by the countries which they occupied was therefore proportionally great.[1]

Sir Eyre Coote, with a passage fortunately expeditious, landed at Madras on the 5th November, and took his seat in Council on the 7th. He had been appointed bearer of the decree by which the Supreme Council suspended the Governor of Fort St. George, and this document he now produced. The Governor not only denied the competence of the Supreme Board to exercise the authority which they now assumed; but declared their decision precipitate and unjust, no contumacy appearing in his conduct to merit the punishment, which they arrogated to themselves unwarrantably the power to inflict. The majority of the Council however recognised the suspension; and the senior member of the Council succeeded to the chair.

During the interval between the retreat of Sir Hector Munro to the Mount, and the arrival of the Commander-in-Chief with the Bengal supplies, the Presidency at Madras had in vain importuned the Nabob for means which he had not to bestow. They appointed Colonel Brathwaite to the command in Tanjore; and recommending that a body of cavalry should be raised in that country, demanded the assistance of the Rajah for that purpose, as well as for provisions to the troops. They made restitution at last of the Guntoor Circar; and at the same time sent a letter to the Nizam, in which they advertised him of the compliance they had yielded to his desires; made apology for delay in paying the

[1] First Report, ut supra, and Appendix, No. 17; Sixth Report ditto, p. 99, and Appendix, No. 294 to 305.

peshcush, and promised regularity, when the removal of the present troubles should place it more in their power. Partly the poverty and weakness of this Prince, partly his jealousy of Hyder, and partly the assurances which he had received from the Superior Government in Bengal, had as yet retained him inactive during the war which he had been eager to excite. The situation however of the Northern Circars was calculated to tempt his ambition. The troops, with the exception of garrisons for the three principal places, were all recalled; but the Sepoys in the Guntoor Circar refused to proceed by sea, and were obliged to be left at Ongole, while a mutiny was the effect of an attempt to embark those at Masulipatam and Vizigapatam. At the first of these places, order was restored by the address of the commanding officer. At Vizigapatam, however, they killed several of their officers, plundered the place, and went off, accompanied by five companies of the first Circar battalion. Apprehensions were entertained, that the Sepoys in the neighbouring Circar would follow their example; and that the Zemindars would deem the opportunity favourable to draw their necks out of the yoke. Sittaram Râz, who had been vested with so great a power by the favour of Governor Rumbold, stood aloof in a manner which had the appearance of design. But Vizeram Râz, his brother, who had just grounds of complaint, zealously exerted himself to suppress and intercept the mutineers, who at last laid down their arms, with part of their plunder, and dispersed.

Immediately after the battle of Conjeveram, Hyder marched to renew the siege of Arcot, defended by about 150 Europeans, and a garrison of the Nabob's troops. In the service of the Nabob, there was hardly found a man that was faithful to his trust. Dis-

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cord prevailed between the officers of the Nabob, and those of the Company during the whole of the siege. The approaches of Hyder were carried on with a skill resembling that of the best engineers, and his artillery was so well served as to dismount repeatedly the English guns upon the batteries. After a siege of six weeks, the town which surrounded the fort was taken on the 31st of October, by assault; but the fort was strong and still might have defended itself for a considerable time. The favour with which Hyder found his cause regarded by the people he took care to improve, by the protection which he afforded to the inhabitants of Arcot, and the treatment of his prisoners: the applause of his generosity easily passed from the people without the fort to the people within: with the Nabob's officers he probably corresponded: the native troops almost all deserted: and the fort capitulated on the 3d of November. The officer who commanded in the fort, on the part of the Nabob, he took immediately into his service and confidence. Many other of the Nabob's garrisons had surrendered, with little or no resistance, generally upon the summons of Hyder's horse; and though an excuse was furnished, by the condition in which they found themselves with respect to the means of defence, nothing less than general treachery and disaffection seemed sufficient to account for the facility with which every place was given up. Hyder immediately supplied the forts with garrisons, repaired the works, and laid in provisions and stores. He proceeded with great expedition to put Arcot into the best possible state of defence. Every avenue which led to it from Madras, and from Madras to the forts which the Nabob or English still retained, were occupied by large detachments of his horse, and when need was, even by infantry, and fortified posts.

By this means, the channel of communication, not only for supply, but even for intelligence, was almost wholly cut off.

Not deficient, either in the virtues which inspire affection, or in those which command respect, Sir Eyre Coote, as he was somewhat disposed to enlarge in praise of himself, so was somewhat apt to indulge in complaint of others. In the letters, which after his arrival in Carnatic he addressed to the Directors and the ministers of the King, he drew a picture in the darkest colours, not only of the weak and disastrous condition into which the country was brought, but of the negligence and incapacity, if not the corruption and guilt, of those servants of the Company, under whose management such misfortunes had arrived. It was, however, much more easy to point out what it was desirable should have been performed, than, with the defective revenue of the Presidency, to have performed it.[1] That Presidency had repeatedly represented both to the Supreme Council, and to the Directors, their utter incapacity, through want of money, to make any military exertion; and by both had been left to struggle with their necessities. It was the poverty of Carnatic, and the unwillingness of all parties to act as if they believed in that poverty, much more, it is probable, than the negligence or corruption of the government, which produced the danger by which all were now alarmed.

According to the statement of the General, the whole army with which he had to take the field against the numerous host of Hyder, did not exceed 7000 men, of whom 1700 alone were Europeans.

[1] See the Fourth Report of the Committee of Secrecy, p. 6, where it appears to have been distinctly announced, by the Governor and Council, on the 19th January, 1779, that their resources were unequal, even to their peace establishment, much more to make any preparations for war.

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Having put down in writing the view which he took of the situation of affairs, and the plan of hostilities which it appeared to him most adviseable to pursue, he called a Council of War, consisting of the three general officers at the Presidency, Sir Hector Munro, Lord Macleod, and Brigadier-General Stuart; laid the paper before them, and desired that, after the most mature consideration, they would give their opinions upon it separately in writing. As four of the principal strong holds of Carnatic, Velore, Wandewash, Permacoil, and Chingleput, represented by the Nabob as containing considerable stores, were invested by the enemy, the General proposed to begin with the operations necessary for their relief.[1] Not contented with the sanction of the general officers, he deemed it meet, with a condescension to which the pride of military knowledge can seldom submit, to communicate the proceedings of the Council of War to the Select Committee, and to desire their opinion. All agreed in approving the plans of the General, and reposing unbounded confidence in his direction. As Wandewash was the place in most imminent danger, the first effort was directed in its favour. The probability that Hyder would not permit them, unopposed, to pass the river Palâr, it was gallantly and generously observed by Munro, was a motive rather to stimulate than repel, as the troops under their present leader he was confident would prevail, and nothing was, therefore, more desirable than to bring

[1] In his representation, the General stated it as a known fact, that they had not only Hyder, but the whole Carnatic, for enemies; and, therefore, not assistance, but obstruction, to expect in every part of the march: one of the Nabob's renters having endeavoured to betray Vellore to the enemy, he had ordered him, he said, into irons; hoping, "that he might be instrumental to the discovery of those dark designs, which he had long suspected to exist in the court of a native power, living under the very walls of our garrison at Fort St. George."

Hyder to a general action. On the 17th of January, 1781, the army, under the command of General Coote, marched from the encampment at the Mount. Hyder was struck with awe, by the arrival of the new commander, and the reinforcements from Bengal. So far from opposing the passage of the Palâr, he abandoned Wandewash with precipitation, as soon as the army approached. But this success was counterbalanced by the fall of the important fortress of Amboor, which commanded one of the passes into Carnatic. From Wandewash the army was on its march toward Permacoil, when intelligence was received by express, that a French fleet had arrived. This was an event by which attention was roused. The direction of the march was immediately changed; and the army, after a few days, encamped on the red hills of Pondicherry, with its front toward Arcot.

After the reduction of Pondicherry, the inhabitants had been treated with uncommon forbearance and generosity. The fortifications alone were destroyed. The people were allowed to trade under the protection of the English; and the officers to remain on their parole. Even upon the invasion of Hyder, when it was entirely evacuated by the English troops, the officers alone were sent to Madras. The flattering prospect of being speedily reinforced by their countrymen, of seeing themselves change places with the English, and of contributing something to the recovery in India of the glory and power of their country, tempted the Frenchmen of Pondicherry to forget the favours which they had received. They applied coercion to the English resident; enlisted sepoys; and laid in provisions at Carangoly. Sir Eyre Coote made haste to disarm the inhabitants, to remove the provisions from Carangoly, and to destroy the boats. The French fleet, consisting of seven

BOOK V. CHAP. 5. 1781. large ships, and four frigates, lay at anchor off Pondicherry. The English army was closely followed by large bodies of the enemy's horse; and on the 8th of February Hyder passed at the head of his army, within cannon shot of the English camp: marching, as was supposed, directly to Cuddalore. The English drums beat to arms; and while the enemy proceeded on one of the two roads which lead towards Cuddalore, the English marched parallel with them on the other, and encamped on the 9th with their right towards the ruins of Fort St. David, and their left towards Cuddalore. So feeble were the resources of the English General, that he was already reduced to a few days' provisions; and eager for a battle, as the most probable means of obtaining relief. He moved the army on the 10th from the cover of the guns of Cuddalore, leaving the tents standing, and placed himself in order of battle. He informed the men, as he rode along the line, that the very day which he wished for was arrived; and that they would be able in a few hours to reap the fruit of their labours. The English remained for three successive days offering battle to the enemy, which he was too cunning to accept; and on the fourth returned to their camp, with a great increase of their sick, their provisions almost exhausted, the cattle on which their movements depended dying for want of forage, Hyder in possession of the surrounding country, and an enemy's fleet upon the coast. The deepness of the gloom was a little dispelled by the sudden departure of that fleet, which, being greatly in want of water and other necessaries, and afraid of the English squadron which was shortly expected back from the opposite coast, set sail on the 15th of February, and proceeded to the Isle of France.

The inability, in the English army, to move, for

want of provisions and equipments, and the policy of Hyder to avoid the hazards of a battle, prevented all operations of importance during several months. In the mean time, Hyder reduced the fortress of Thiagar; his cavalry over-ran and plundered the open country of Tanjore; and Tippoo Saib, with a large division of his army, laid siege to Wandewash.

On the 14th of June the fleet returned with a reinforcement of troops from Bombay. While absent on the western coast, Sir Edward Hughes had attacked the ships of Hyder, in his own ports of Calicut and Mangalore; and destroyed the rudiments of that maritime power which it was one of the favourite objects of his ambition to erect.

The want of bullocks, which were the draught cattle of the army, rendered the movement even of the English artillery heavy and slow. In hopes of being now supplied with provisions by sea while they remained upon the coast, the English proceeded to Porto Novo on the 19th of June, not only to put a stop to the ravages of the enemy in Tanjore and the neighbouring districts, but to yield protection to Trichinopoly, against which, it was evident, that Hyder was preparing to march. On the 18th, General Coote in person conducted a large detachment to the assault of the fortified Pagoda of Chillambram; where he was repulsed with very considerable loss. This event, which the English regarded as a heavy misfortune, produced the most favourable results. At a time when they could by no means venture to carry their operations from the vicinity of the sea; when their imbecility was becoming dangerously visible; and when they might have been soon cooped up within the walls of Madras, this disaster sufficiently elevated Hyder, whose army had increased with the progress of his arms, to hazard a battle for the sake

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of preventing the advance of the English towards Trichinopoly; which, as holding in check the southern countries, was regarded by him as an object of great importance; and against which he was proportionally desirous that his operations should not be disturbed. He was dissuaded, it is said, but in vain, from this rash design, by the prudence of his eldest son; and advancing on the only road by which the English could proceed to Cuddalore, he took up an advantageous position, which he fortified with redoubts, while the English were obtaining a few days' provisions landed laboriously through the surf. Early in the morning of the 1st of July, the English army broke up the camp at Porto Novo, and commenced their march with the sea at a little distance on their right. To the other difficulties under which the English General laboured, was added a want of intelligence, partly from deficient arrangements, but chiefly, it is probable, from the disaffection of the people of the country, and the diffusion of Hyder's horse, who seldom allowed a spy to return. After a march of about an hour, the opening of an extensive prospect discovered a large body of cavalry drawn up on the plain. It was necessary to detach from the English army, small as it was, a considerable body of troops for the protection, from the enemy's irregular horse, of the baggage and the multitudinous followers of an Indian camp. The General formed the army in two lines, and advanced in order of battle. A heavy cannonade was opened on the cavalry which occupied the road before them. This dispersed the cavalry, and exposed to view a line of redoubts, commanding the road, and the enemy behind that line, extending on the right and left to a greater distance on the plain than the eye could command. The troops were ordered to halt; and the

principal officers were summoned to council. The difficulties were almost insurmountable: The sea enclosed them on the right: Impracticable sand-banks on the left: To advance directly upon the fire of so many batteries exposed the army to a dreadful slaughter, if not extermination: And four days' provisions, which the men carried upon their backs, constituted the whole of their means of subsistence. While the Council deliberated, an officer, walking to a little distance, discovered a road cut through the sand hills. It was afterwards found to have been made by Hyder the preceding night, with a view to enable him, when the English should be storming the batteries in front, to throw them into confusion by falling on their flank; when his horse would rush from behind the batteries and complete their destruction. The army filed off into the newly discovered road, the sepoys unharnessing the wretched oxen, and drawing the artillery more quickly themselves. Hyder perceived the failure of his stratagem, evacuated his works, and moved exactly parallel with the English army: which, after passing the sand banks, turned and faced the enemy. A pause ensued, during which the General seemed irresolute, and some officers counselled a retreat. Several of the men fell under the fire of the enemy's guns, which had been removed with great expedition from the batteries, and placed in the line. The second line of the English army was commanded to occupy some heights in the rear. Hyder, soon aware of the importance of this position, sent a division of his army to dislodge them. The first line of the English, led by Sir Hector Munro, now went forward to the attack; and at the same time another division of the enemy endeavoured to penetrate between the two lines, and attack the General in the rear. For six hours, during which

BOOK V. CHAP. 5. 1781. the contest lasted, every part of the English army was engaged to the utmost limit of exertion. The second line upon the heights, skilfully and bravely commanded by General Stuart, not only repelled the several attacks which were made to force them from their advantageous ground, but successfully resisted the attempt which was made to penetrate between the lines, and rendered it impossible for the enemy to aim a stroke at the baggage towards the sea. The first line was thus left with undivided attention to maintain their arduous conflict with the main body of Hyder's army; where their admirable perseverance at last prevailed, and driving before them promiscuously, infantry, cavalry, artillery, they finally precipitated the enemy into a disorderly retreat. Had the English possessed cavalry, and other means of active pursuit, they might have deprived Hyder of his artillery and stores; and possibly reduced him to the necessity of evacuating the province. Their loss did not exceed 400 men; and not one officer of rank was either killed or wounded. The enemy's principal loss was sustained in the first attack upon the line on the heights, the strength of which they mistook, and advanced with too much confidence of success. In the rest of the battle, they fought chiefly at a distance, and with their artillery, which was skilfully served. The consequences of this victory were highly important. Hyder abandoned his designs upon the southern provinces. Tippoo raised the siege of Wandewash; and both retired with the whole of their army to the neighbourhood of Arcot.

The body of native troops, which it had been resolved by the government of Bengal to send by land to the assistance of Madras, was long detained by the negotiations, carried on, as well with the Berar government, as with Chimnajee, the Commander of

the army in Cuttack. The distress of that Commander for money to pay his troops, and the proposal of a gratuity of thirteen, with a loan of ten, lacs of rupees; though distrust of the English power, now violently shaken, made his father shy; induced Chimnajee to engage for a safe passage to the troops. The detachment was placed under the command of Colonel Pearce; and about the end of March arrived at Ganjam, where it was long detained by the violence of an infectious disease. This, together with a great desertion among the sepoys, materially weakened the battalions; and their junction was not effected with Coote, who had returned to Madras, before the beginning of August.

The object which more immediately engrossed the desires of the English was the recovery of Arcot. As the want of provisions was the grand impediment to that enterprise, and as the enemy were reported to have laid in great stores at Tripassore, the siege of that place was undertaken, in hopes to supply the army for the siege of Arcot. But Tripassore, though it surrendered after a few days' resistance, was found to contain a small supply of provisions; and the advanced parties of Hyder's army, who was in full march to its relief, appeared in sight, before the English troops had taken full possession of the works. Hyder fell back a few miles to what he reckoned a lucky spot, a strong position on the very ground where he had defeated Baillie. And the English General, eager for another battle, which might relieve him from his difficulties, came in sight of the enemy about eight o'clock on the morning of the 27th. The position of Hyder gave him great advantages, while his guns bore upon the approaching army, and the advance was rendered peculiarly difficult by a number of water-courses cutting the ground. The second line of the English army, consisting of two

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brigades, were directed to occupy a situation of some strength on the left, while the first line, consisting of three brigades, formed in face of six or eight cannon, which they were commanded to storm. No sooner had they pushed through some intervening underwood, than they found the guns removed from the front, and beginning to fire upon both their flanks; while at the same instant a tremendous cannonade opened on the second line. Sir Hector Munro, who commanded the first line, was ordered to join the second, which could hardly maintain its ground. The two lines having closed, and presenting the same front, were commanded to advance on the enemy's artillery. The intervening ground was not only difficult but impracticable; where the army stood, some protection was derived from a long avenue of trees. This was observed by the whole line; and Sir Hector Munro pointed it out to the General. "You talk to me, Sir, when you should be doing your duty." The army accordingly advanced; the men began to drop very fast; and grew impatient. A tumbril blew up, the second in the course of the day. At an impassable difficulty, the army came to a stand, and impatiently waited for orders. None arrived. Sir Hector Munro, seated sullenly by the only tree that was in the plain, refused to issue a single command. The battalions, opening for the purpose of giving way to the enemy's shot, had fallen into clusters, and become noisy. The second line broke into great confusion. Two hours did the army remain in this perilous situation, in which, had they been vigorously charged by the enemy's cavalry, they could scarcely have avoided a total defeat. It is probable that Hyder's experience had rendered it difficult for him to conceive that the English were in a state of confusion. Night advancing, he ordered his guns to be drawn off; and the English returned

to the strong ground which the second line originally occupied. A conference was held among the principal officers, when the impossibility of remaining, and the danger of advancing, being apparent to all, one gentleman, in expressing his sentiments, made use of the word *retreat*. The General immediately swore, he had never *retreated* in his life. He added, that he would permit the army to *fall back*. Spies came in with intelligence that Hyder was preparing to attack the English army between midnight and break of day. The troops in consequence were ordered to pass the night under arms in front of the camp. The report was false, artfully given out by Hyder, to cover his intention of removing in the night, to a place more secure from surprise. The next day the English buried their dead, and collected the wounded; when, being masters of the field of battle, they fired the guns in token of victory. They now marched back to Tripassore; when Hyder, calling the march a *retreat*, proclaimed a victory, with all the pomp of war, to the nations of India.

The English suffered considerably more in this than in the previous action; and the enemy less. Of the privates not less than 600 were lost to the service. Several officers of distinction were wounded, and some were killed.

Affairs were now in great extremity. The moment seemed approaching when the army would be constrained to quit the field for want of provisions: Madras itself was threatened with famine: The fort of Velore was so exhausted of provisions, that it could not hold out beyond a short time longer; and the fate of Carnatic in a great measure depended on the fort of Velore. The greatest exertions were made to enable the army to march to its relief: Madras was for that purpose actually exhausted of the means of subsistence. The enemy were encamped at

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the pass of Sholingur on the road to Velore; to which the English came up on the 27th of September. A strong body was detached, in order to occupy a rising ground to the left of the enemy's encampment, while the main army advanced in a single line upon their front. Hyder, from his former experience, had concluded that Sir Eyre Coote would keep the whole of his troops together; and had only provided against a direct movement on his line. His good sense made him resolve not to change the disposition of his rude and unwieldy mass in the face of an enemy; and his only effort was to draw it out of the field. He endeavoured to alarm the detached portion of the English army with a feint; while, after a short firing, his guns were hurried off. His horse during these operations stood the fire of the English cannon, and suffered severely. Before he could extricate himself, and before night came to his aid, he had sustained a considerable loss, with the power of inflicting only a trifling injury in return.

The English were in no condition to press upon the foe. In the minor operations which succeeded, as in the whole course of the war, one of the most remarkable circumstances was, the extraordinary promptitude and correctness of Hyder's intelligence, who had notice of almost every attempt, even to surprise the smallest convoy, and in this important respect, the no less remarkable deficiency of the English. On the 26th of October, the General removed his camp to the neighbourhood of Palipett, where he obtained a quantity of rice. With this he afforded Velore a temporary supply; and was even encouraged to undertake the siege of Chittore. That place, not being provided for defence, capitulated in two days; while Hyder, obliged to humour his army, was unable to obstruct these operations. The month of November was now arrived, and every thing an-

nounced the falling of the monsoon floods, when the rising of the rivers, and the softening of the roads, would make the return of the English army extremely difficult; so far, too, from being supplied with subsistence, the army continued in a state of want; yet the General lingered where he was, apparently absorbed in his own chagrin. He was summoned from his reveries about the middle of the month, by intelligence of an attack upon Palipett and Tripasore. The rains fell upon him during his march: In the space of a few days the roads became so deep, that one elephant, three camels, a great number of bullocks, carriages, and horses, were left inextricably entangled in the mud: And the Polar was just fordable when he passed it on the 21st. On his approach, however, the enemy abandoned both Palipett and Tripasore: And after encamping a few days on the Coccalore plain, above Tripasore, he placed the troops in cantonments; having lost one third of the force with which, after his junction with Colonel Pearce, he marched in August from the Mount.[1]

At the Presidency, changes of more than ordinary importance had taken place during this campaign.

[1] For the materials of this war with Hyder, up to the present date, the most important sources are the First, Second, Third, and Sixth Reports of the Committee of Secrecy, in 1781. Of the military transactions, narratives of considerable value are to be found in the Annual Register; Robson's Life of Hyder Ali; and the publication entitled, Memoirs of the late war in Asia. For part of this campaign, see also Barrow's Life of Lord Macartney. To the pages of Colonel Wilks, I can now only refer, not having had the opportunity of availing myself of his lights, till what I had written could not be conveniently altered. Where my facts stand upon the authority of public records, I conceive, in the few instances in which we differ, that I approximate to the truth more nearly than he. To my other authorities I should have preferred him; though it is a grievous defect, that he so rarely tells us the source from which he derives his information; and though I repose no great confidence in the vague censures, and still more vague eulogies, in which he has indulged.

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The state of affairs in Carnatic having greatly alarmed the Company in England, misfortune pointed resentment against the men under whose superintendence it had arrived; and, according to the usual process of shallow thought, a change of rulers, it was concluded, would produce a change of results. So much of misconduct having been imputed to the servants of the Company, a party appeared to be forming itself, even among the Directors and Proprietors, who called for an extension of the field of choice; and represented it as rather an advantage, that the chief governors in India should not be selected from the servants of the Company. It necessarily followed that a party arose who contended with equal zeal that by the Company's servants the stations of greatest power and trust in India ought exclusively to be filled. At a Court of Proprietors held on the 30th of November 1780, Mr. Lushington moved; "That it be recommended to the Court of Directors to appoint forthwith a Governor of Madras, and that it be earnestly recommended to them to appoint one of their own servants to fill that vacancy." It was on the other hand contended, that the *fittest* man, not a man of any particular class or order, ought always to be sought for the places on which the interests of the community principally depended; and that integrity, unshaken by the example of plunder and corruption, a character to lose and consequently one to save, by shunning the offences of former governors; were to be considered as the fittest qualifications in their new Governor of Madras. The Court adjourned without proceeding to a ballot; but on 23d of the same month the question was renewed. Lord Macartney, who had recently gained reputation by negotiating a commercial treaty with Russia, was pointed out to the choice of the Company; the advantages of a liberal

education, of political experience, acknowledged talents and honour, were placed in the strongest point of view by the one party; the benefits of local knowledge, and of the motives to zeal, to industry, fidelity, and the acquisition of knowledge, afforded to the whole line of the Company's servants by the high prizes of the principal stations in the government of India, were amply displayed by the opposite party: And, on a division, it was decided by a majority of seventy-nine to sixty, that new men should be eligible to the office of Governors in India. The Court of Directors were guided by similar views; and on the 14th of December Lord Macartney was nominated Governor and President of Fort St. George. After a passage of four months, he landed at Madras on the 22d of June, 1781, and then first obtained intelligence that the country was invaded.

He came to his office, when it, undoubtedly, was filled with difficulties of an extraordinary kind. The presence of a new Governor, and of a Governor of a new description, as change itself, under pain, is counted a good, raised in some degree the spirits of the people. By advantage of the hopes which were thus inspired, he was enabled to borrow considerable sums of money. Having carried out intelligence of the war with the Dutch, and particular instructions to make acquisition of such of their settlements as were placed within his reach, he was eager to signalize his arrival by the performance of conquests, which acquired an air of importance, from the use, as seaports, of which they might prove to Hyder, or the French. Within a week of his arrival, Sadras was summoned and yielded without resistance. Pulicat was a place of greater strength, with a corps in its neighbourhood of Hyder's army. The garrison of Fort St. George was so extremely reduced, as to be

BOOK V. CHAP. 5. 1781. ill prepared to afford a detachment. But Lord Macartney placed himself at the head of the militia; and Pulicat, on condition of security to private property, was induced to surrender.

Of the annunciation, which was usually made to the Princes of India, of the arrival of a new Governor, Lord Macartney conceived that advantage might be taken, aided by the recent battle of Porto Novo, and the expectation of troops from Europe, to obtain the attention of Hyder to an offer of peace. With the concurrence of the General and Admiral, an overture was transmitted, to which the following answer was returned, characteristic at once of the country and the man: "The Governors and Sirdars who enter into treaties, after one or two years return to Europe, and their acts and deeds become of no effect; and fresh Governors and Sirdars introduce new conversations. Prior to your coming, when the Governor and Council of Madras had departed from their treaty of alliance and friendship, I sent my vakeel to confer with them, and to ask the reason for such a breach of faith; the answer given was, that they who made these conditions were gone to Europe. You write that you have come with the sanction of the King and Company to settle all matters; which gives me great happiness. You, Sir, are a man of wisdom, and comprehend all things. Whatever you may judge proper and best, that you will do. You mention that troops have arrived and are daily arriving from Europe; of this I have not a doubt: I depend upon the favour of God for my succours." Nor was it with Hyder alone, that the new Governor interposed his good offices for the attainment of peace. A letter signed by him, by Sir Edward Hughes, and Sir Eyre Coote, the commanders of the sea and land forces, and by Mr. Macpherson, a Member of the Supreme

Council, was addressed to the Mahrattas, in which they offered themselves as guarantees of any treaty of peace which might be contracted between them and the Governor-General and Council of Bengal; and declared their willingness to accede to the restoration of Guzerat, Salsette, and Bassein. BOOK V. CHAP. 5. 1781.

The principal settlement of the Dutch on the Coromandel coast was Negapatam, near the southern boundary of Tanjore. This, Lord Macartney was desirous of adding to the rest of the conquests from the Dutch immediately after his arrival, but was over-ruled by the opinion of the Commander-in-Chief, who represented the importance of recovering Arcot, in the first instance, and of marching afterwards to the attack of Negapatam. The President was eager to avail himself of the assistance of the fleet and marines, in his design against Negapatam; assistance without which the object could hardly be accomplished, and which could only be obtained while the season permitted shipping to remain upon the coast. Though the General had been disappointed in his hopes of being able to attempt the recovery of Arcot, he continued in the north-western part of the province, apparently disposed neither to march to the attack of Negapatam, nor to spare for that enterprise any portion of his troops. To Lord Macartney the attainment of the object did not appear to be hopeless without him. The intimation, however, of a design to make the attempt brought back from the General an eager renunciation of all responsibility in the exploit, a pretty confident prediction of disappointment, and from disappointment, of consequences deplorable and ruinous. The President declared that, convinced as he was of the propriety and hence obligation of the enterprise, he would not shrink from the responsibility. To avoid interference with the

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General not a man was taken from his army. Colonel Brathwaite, who commanded in Tanjore, and in whom the President complained that he found not all the alacrity which could have been desired, was directed with his troops to aid in the attack. The choice of a leader, too, was involved in difficulties. After the affront received by Sir Hector Munro, in the battle of the 27th of August, he retired as soon as possible from the army commanded by General Coote, under whom he served not again, and remained at the Presidency recruiting his health. It was to him that, in etiquette, the command of the expedition belonged; but Mr. Sadlier, with whom he had the violent dispute, was now a member of the Select Committee; and he refused to serve under orders or directions in which that gentleman should have any concern. The scruples of the General met a contrast in the liberality of the Committee; who readily consented, that he should receive his instructions from the President alone; and the President, with the Admiral of the Fleet, was empowered to form whatever arrangements the enterprise should require. On the 21st of October the seamen and marines were landed from the ships: on the 30th the lines and redoubts were attacked and carried: on the 3d of November ground was opened against the north face of the fort, and the approaches were pushed on with great rapidity: the Governor was summoned on the 6th, after a battery of ten eighteen-pounders was ready to open within three hundred paces of the walls; he refused to surrender; but on the 12th, after making two desperate sallies, and after one of the bastions had suffered from a formidable breaching battery, he offered to accept, and received, terms of honourable capitulation. The amount of troops who surrendered was 6,551, con-

siderably greater than that of the besieging army. A large quantity of warlike stores, together with a double investment of goods, no ships having arrived from Holland for the investment of that or the preceding year, was found in the place. With Negapatam the whole of the Dutch settlements on that coast fell into the hands of the English; and the troops of Hyder began immediately to evacuate the forts which they had occupied in the kingdom of Tanjore. A body of 500 men were put on board the fleet, which sailed from Negapatam on the 2d of January, and proceeded to the attack of Trincomalee, a celebrated Dutch settlement on the island of Ceylon. It arrived before the place on the 4th, and on the 11th the best of the two forts which defended Trincomalee was taken by storm.[1]

The deplorable indigence of the Presidency; the feebleness of military operations unsupported by funds; the power of the enemy, and the diminished prospect of supplies from Bengal, presented to the eyes of Lord Macartney a scene of difficulties, from which it was hardly possible to discover any source of relief. Participating in the general aversion to believe that the Nabob was no less exhausted than the Company, and representing to that chief how great the interest which he, no less than the Company, had, in the expulsion of so dangerous a common foe, the President, at an early period of his administration, renewed the importunities of the government on the subject of a pecuniary supply. The Bengal government, by their letters, had already given a sanction to strong measures of coercion; declaring that, while every part of the Nabob's dominions, except the part retained by the English troops,

[1] Some Account of the Public Life of the Earl of Macartney, by John Barrow, F. R. S. i. 67—109; Annual Register for 1782.

BOOK V. CHAP. 5. 1782. was in the hands of a foreign power, and could only be wrested from it by their exertions, the Nabob could no longer be looked upon as the proprietor of the country; and that such a combination of circumstances not only justified, but required, the immediate assignment of all his revenues, to defray the expenses of the war.[1] The President, expressing his desire to avoid this extremity, offered to accept a few lacs of pagodas as a temporary supply. This pressure upon the inability of the Nabob drew from him language of asperity and recrimination; and when importunately urged, he at last declared, that his future contributions were defined, by a treaty, which he had just concluded with the government of Bengal. The declaration, though it justly surprised the President and Council of Madras, was not at variance with the fact. The Nabob, who had tried the effect of an agency in England, both on the legislative and executive branches of the government, was advised to make trial of the same expedient on the controlling Board in India; and in March, 1781, he sent, on a commission to Calcutta, his duan or treasurer, together with Mr. Joseph Sullivan, a servant of the Company, whom, without the consent of the Presidency, he had appointed his agent. The object of the Nabob was to obtain, a clear recognition of his being the hereditary sovereign of the Carnatic, not subject to any interference on the part of the Company in the affairs of his government; a promise of exemption from all pecuniary demands, beyond the expense of ten battalions of troops, to be employed in his service; an admission of his right to name his successor, in pursuance of his wish to disinherit his eldest, in favour of his second son; a promise to add,

[1] Letter of Gov.-Gen. and Council, Feb. 26, 1781.

by conquest, certain districts possessed by Hyder to his dominions, and to restore to him the kingdom of Tanjore; and, finally, the assistance of the Company, in forming a settlement with his European creditors. BOOK V. CHAP. 5. 1782.

To this embassy the rulers of Bengal afforded a cordial reception. For the independence of the government of the Carnatic Prince, they undertook, in general terms: His requisition, respecting the ten battalions and the limit of his pecuniary contributions, was approved: His right to appoint his successor they recognised as already admitted: The conquest of certain districts possessed by Hyder, they declared to be as desirable on account of the Company's as the Nabob's interest: The restoration of Tanjore they informed him was not placed within the limits of their authority: With regard to his European creditors, they proposed, that after the addition to the principal sum of all interest due to the 21st of November, 1781, and after a deduction of one-fourth from all the debts which might have been transferred from the original creditors by purchase or otherwise, Company's bonds with the usual interest should be granted, and paid, according to a proportion which might be fixed, out of the assigned revenues: And upon these conditions it was proposed, but not without his own consent, that the Nabob should make over all the revenues of his country, during the war, to the Company; that his agents, in conjunction with persons appointed by the Presidency of Fort St. George, should perform the collections; and that as much only should be retained by the Nabob as was necessary for the disbursements of his family and government. Not only was this agreement transmitted to Madras, with instructions to consider it as possessing the validity of a treaty; but

BOOK V. CHAP. 5. 1782. Mr. Sullivan returned with credentials, as minister from the Governor-General and Council of Bengal at the Court of the Nabob.

Nothing is more pregnant with mischief than ill-worded and indefinite laws; and the best legislatures have as yet displayed but little of the art of rendering the language of their enactments unambiguous and certain. We have already contemplated the disputes with the Presidency of Bombay, occasioned by the loose and imperfect phraseology of the law which conferred the power of control upon the Presidency of Bengal. In that instance, the Supreme Council were even rebuked by their masters for carrying their pretensions beyond the intent of the Company, and that of the law; but on the present occasion they pushed their interference into the most immediate and important concerns of the Madras government; inveigled from their service and obedience the servants of that Presidency; and set up an agency of their own at Madras, which implied the suppression of the chief powers of the Governor and Council. Though the character of Lord Macartney was tinged with vanity as well as ambition, he possessed great temper and urbanity; and the Governor and Council of Madras, instead of treating this new assumption of power on the part of the Bengal government as an injury, expressed only their apprehensions that they were not free to divest themselves of powers, with which their employers had intrusted them, and for the exercise of which they would hold them responsible. They remarked, that they were therefore at liberty to consider the scheme of arrangements, which had been transmitted to them by the Supreme Board, as only materials to aid, not as commands to supersede their judgment. The words, they observed, in which the Supreme Council had appeared to sanction

the independence of the Nabob, an independence which they had received the express and repeated commands of their employers to prevent, were so adroitly ambiguous, as in fact to evade the question, and were inconvenient only in so far as they tended to inflame the pretensions of that troublesome associate: but as, in the government of the country, there were certain departments in which it was assumed as necessary that the Company's government should take a share, and yet those departments and that share remained totally undefined, the vagueness and ambiguity of the words of the Supreme Board left the Madras Presidency, if bound to obey, without any rule to guide their proceedings. The article which regarded the ten battalions of troops appeared, they said, to them, to convey a power over their marches and operations, which the Court of Directors had ever been most anxious to withhold. The Nabob had requested the power of employing these troops in settling his country: The answer of the Presidency is worthy of record: "We wish to know what is meant by this article, before we form any judgment of its propriety: We know not how troops can be properly said to contribute to the settlement of a country: If it be meant that he should have the Company's forces to enable him to punish or extirpate any of his tributaries, and if it be proper to lend our forces for such a purpose, should we not plainly say so, without reserve or ambiguity?" If the Nabob was to have the troops, in all cases, upon his simple requisition, "he might soon," they add, "require, what he has hitherto in vain solicited from the Court of Directors, the means of attacking, contrary to their express commands, the principal tributary Rajahs who claim and depend upon the protection both of the Crown and the Company." If he was only to

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be assisted in those cases which the President and Council should approve, the clause, though void of meaning, was not exempt from mischief, as it tended to raise "a claim, which, being undefined, would be measured only by the wishes of the claimant." The right of the Nabob to nominate his successor, or to infringe the rule of primogeniture, they declined to discuss; but affirmed their total ignorance of any such admission of that right as the Governor-General and Council appeared to assume. That the mode which was proposed for collecting the revenues, by the agents of the Nabob and of the Company in conjunction, was calculated to produce altercations between the different parties, and to afford the agents of the Nabob a pretence for defalcations, alleging obstructions from the Company's servants, experience, they said, most fully evinced. Whether the defect proceeded from the want of intention on the part of the Nabob, or from his inability to ensure the obedience of his collectors, it had, through them, been found impossible to obtain the revenues. With regard to the arrangements in behalf of the creditors of the Nabob, they were unwilling to wear the appearance of opposing either the will of the superior Board, or the interest of the creditors; but they professed themselves ignorant, whether the creditors would regard the arrangement as advantageous, or the Directors would be pleased to find the Company pledged for bonds to so great an amount.

On the point, however, of the assignment, the situation of affairs, and the sanction of the Bengal government, appeared to the President and Council sufficient authority for urging the Nabob forcibly to concur with their views. With much negotiation it was at last arranged; that the revenues of all the dominions of the Nabob should be transferred to the

Company for a period of five years at least; that of the proceeds one sixth part should be reserved for the private expenses of himself and his family, the remainder being placed to his account; that the collectors should all be appointed by the President; and that the Nabob should not interfere. By this deed, which bore date the 2d of December, 1781, the inconveniences of a double government, which by its very nature engendered discordance, negligence, rapacity, and profusion, were so far got rid of; though yet the misery and weakness to which they had contributed could not immediately be removed.

It was not one spring alone of dissension which distracted the government of Madras. The species of independent authority which had been conferred upon the General produced many of the evils of a double government in the Presidency itself. The General had a susceptibility of temper, which, heightened by the infirmities of old age, by flattery, by the difficulties of his situation, and his want of success, made him take offence with the levity and hastiness of a child. The civil authority, deprived, in a period of war, of all share in the military arrangements, found the business of government withdrawn from their hands, and themselves degraded into a capacity little superior to that of agents for supplying the wants of the army. The visible loss of authority, by weakening their influence, diminished their resources; and persons were even discouraged from relieving them by loans. A situation like this was ill calculated to please a man of Lord Macartney's rank and pretensions. Aware of the uneasiness which it was probable he would feel, it was natural for the General to view him with suspicion from the moment when he arrived. The mutual desire to save appearances preserved an uninterrupted intercourse of civi-

lities, till Lord Macartney discovered his design of attempting the conquest of Negapatam against the advice and without the co-operation of the General. From that moment the General gave way to his spirit of dissatisfaction and complaint; refused to attend the consultations of the Select Committee; quarrelled with every measure that was proposed; and even wrote to the Governor-General and Council that he suffered from interference with his authority, and, unless he were vested with power totally independent, that he would resign the command. Beside the loss of their authority, and the diminution of their power over even the sources of supply, the civil authorities lamented, that they possessed no control over the expenditure of the army, and that, from the total disregard of economy, in which, notwithstanding the ruinous poverty of the government, the General indulged, that expenditure was enormously great. It nevertheless appears, that Lord Macartney, aware of the importance not only of united efforts, but of the name and influence of Coote, entertained not an idea of withdrawing from him any portion of that authority with which he had been entrusted; and strove to preserve his good humour by studied forbearance and courtesy.[1]

The army had not been many days in cantonments, where they expected to repose during the remainder

[1] In a letter to a private friend, at the time, his Lordship says; "I never retort any sharp expression which may occur in his letters. In fact, I court him like a mistress, and humour him like a child; but with all this I have a most sincere regard for him, and honour him highly. But I am truly grieved at heart to see a man of his military reputation, at his time of life, made miserable by those who ought to make him happy, and from a great public character worked into the little instrument of private malignity and disappointed avarice. All, however, has been, and shall be, good humour, and good breeding, on my part." Extract of a letter to Mr. Macpherson, dated Fort St. George.

of the monsoon, when the fall of Chitore was announced at Madras, and intelligence was received, that for want of provisions Velore would not be able to hold out beyond the 11th of January. No exertion was to be spared for the preservation of this important place. The treasury was drained to the last pagoda, to afford some pay to the army, which was deeply in arrear. But the exorbitant demands for equipment and conveyance were the principal source of difficulty and alarm. To carry the necessaries of thirty-five days for twelve or fourteen thousand fighting men, the estimate of the Quarter-Master was 35,000 bullocks. Not to speak of the money wanted for the purchase, so great a number could not be procured; nor was it easy to conceive how protection could be afforded from Hyder's horse to a line of so many miles as the march of 35,000 bullocks would of necessity form. The number of bullocks now in store was 8,000. With these and 3,000 coolies, or porters, whom he could press, it appeared to the President that the army might convey what was absolutely necessary; and the urgency of the case made the General disposed to wave his usual objections. Though with broken health, he joined the army on the 2d of January; but on the 5th he suffered a violent apoplectic attack, and the army halted at Tripasore. On the following day, he was so far revived as to insist upon accompanying the army, which he ordered to march. They were within sight of Velore on the 10th, and dragging their guns through a morass, which Hyder had suddenly formed by letting out the waters of a tank, when his army was seen advancing on the rear. Before the enemy arrived, the English had crossed the morass; when Hyder contented himself with a distant cannonade, and next day the supply was conducted safely to

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Velore. As the army was returning, Hyder, on the 13th, again presented himself on the opposite side of the morass, but withdrew after a distant cannonade. On the evening of the 15th, the enemy's camp was seen at a distance; and a variety of movements took place on both sides on the following day: After mutual challenges however, and a discharge of artillery, the contenders separated, and the English pursued their march to the Mount. The General expressed a desire of making a voyage to Bengal for the benefit of his health, but allowed himself to be persuaded to alter his design.[1]

After the capture of Mahé, the Madras detachment remained at Tellicherry, besieged by Hyder's tributary Nairs. Early in May, 1781, being urgently demanded for the defence of Carnatic, the detachment was relieved by Major Abington, who arrived with a force from Bombay. One of Hyder's principal generals, with a detachment from his army which greatly outnumbered the garrison, now carried on a vigorous attack. The utmost efforts of the besieged were incessantly demanded to counteract the operations of the enemy; and the commander was under the necessity of applying to Bombay both for provisions and troops. The answer declared the inability of the Presidency to make any further provision for the defence of Tellicherry, and the resolution to which they had been reluctantly brought of giving it up. His military notions of disgrace, and the still more important considerations of the cruel sacrifice which would thus be made of the lives and fortunes of the people in the place, as well as the doubtful possibility of withdrawing the troops, induced Major Abington

[1] Barrow's Life of Lord Macartney, i. 109—117; Wilks's Historical Sketches, ch. xxiii; Memoirs of the late War in Asia, i. 231—234.

to conceal the contents of the letter, and to remit a strong remonstrance against the orders which he had received. It produced the desired effect, and a packet was immediately dispatched from Bombay to assure him of speedy support. The arrival of his reinforcements determined this enterprising officer no longer to confine himself to operations of defence. Every thing being prepared for a sally, upon the signal of the clock striking twelve, the troops got under arms, on the night of the 7th of January, and at one in profound silence began to march. After passing a deep morass, and escaping the notice of the enemy's picquets, they stormed an advanced battery at break of day, and forming the line moved rapidly towards the camp, when the enemy fled in the utmost confusion, and their leader was wounded and taken. Master now of the surrounding country, Major Abington turned his thoughts to the re-establishment, in their respective districts, of the various chiefs whom Hyder had either rendered tributary or compelled to fly. Having, after this, demolished the enemy's works, and improved the defences of the settlement, he marched towards Calicut. On the 12th of February he took post within two hundred yards of the walls and the next day, a shell having fortunately blown up a part of the grand magazine, the garrison, exposed to an assault, immediately surrendered.

The hostilities of the French and English Governments, not contented with Europe and America as a field, at last invaded the two remaining quarters of the globe. A squadron of five ships of the line and some frigates, under the conduct of M. de Suffrein, together with a body of land forces, was prepared at Brest in the beginning of 1781; and sailed in company with the grand fleet bound to the West Indies under Count de Grasse at the latter end of March.

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About the same period a secret expedition, with which for some time rumour had been busy, was prepared in England. The state of the Spanish colonies in South America, and the rich prizes which they appeared to contain, had pointed them out as the destined object to the public eye. But the war with Holland, and the importance of the conflict now raging in India, communicated a different direction to the views of ministers: and the acquisition of the Cape of Good Hope, with the effectual support of the war in India, became the ends, for the accomplishment of which the enterprise was planned. One ship of seventy-four guns, one of sixty-four, three of fifty, several frigates, a bomb vessel, a fire-ship and some sloops of war composed the squadron; of which Commodore Johnstone, with a reputation for decision and boldness, received the command. A land force, consisting of three new regiments of 1,000 men each was placed under the conduct of General Meadows, who had purchased fame in the action at St. Lucia with d'Estaing. On the 13th of March, in company with the grand fleet destined for the relief of Gibraltar, the armament sailed from St. Helen's, and, including several outward bound East Indiamen, with store vessels and transports, amounted to upwards of forty sail. The secret however of this expedition had not been so vigilantly guarded as to escape the sagacity of the Dutch and the French. The armament under Suffrein was ultimately destined to reinforce the squadron now at the Isle of France; and to oppose the English fleet in the Indian seas. But the particular instructions of that officer were, in the first instance, to follow, and counteract the expedition of Johnstone, and above all his design upon the Cape of Good Hope. For the sake of water and fresh provisions, the English squadron put into Praya Bay in St.

Jago, one of the Cape de Verd Islands; and having no expectation of an enemy, cast their anchors as chance or convenience directed. A considerable proportion both of men and of officers, partly for business, partly for pleasure, were permitted to go on shore; and the decks were speedily crowded with water casks, live stock, and other incumbrances. On the 16th of April, after nine o'clock in the morning, a strange fleet, suspected to be French, was seen coming round the eastern point of the harbour; and Suffrein, separating from the convoy with his five sail of the line, soon penetrated to the centre of the English fleet. The utmost dispatch was employed in getting the men and officers on board, and preparing the ships for action. The French ship, the Hannibal, of seventy-four guns, led the van, and coming as close to the English ships as she was able, dropped her anchors with a resolution which excited a burst of applause from the British tars. She was followed by the ship of Suffrein, of equal force. Another of sixty-four guns anchored at her stern. And the two other ships, of sixty-four guns each, ranged through the fleet, firing on either side, as they proceeded along.[1] The ships being extremely near, and the guns being played with unusual fury, much destruction was effected in a little time. After the abatement of the first surprise, several of the Indiamen brought their guns to bear upon the enemy with good effect. Within an hour, the French ships at anchor had suffered so terribly, that the last of the three having lost her captain, cut her cables and began to withdraw. Thus deserted a-stern, and despairing of success, Suffrein followed her example and gave the signal to retreat.

[1] That Port Praya, belonging to the Portuguese, was a neutral harbour, but little affected the delicacy of the French, though the English observed the punctilio of reserving their fire till attacked.

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the Hannibal alone remained, a mark to every ship the guns of which could be made to bear upon her; and displayed a resolution, which may be compared with the noblest examples of naval heroism. She had lost her fore-mast and bow-sprit; her cable was either cut or shot away; in the effort of hoisting more sail to get out of the fire, her main and mizen masts went overboard, and she remained as it were a hulk upon the water. Sustaining the weight of a dreadful fire, to which, enfeebled as she was, her returns were slow and ineffectual, she yet joined the rest of the ships at the mouth of the bay; and, being towed off, erected jury masts, and proceeded with the fleet. An attempt on the part of the English to pursue was totally ineffectual. They sustained not any considerable loss, notwithstanding the closeness of the action, and the crowded situation of the ships. Their own steady and determined bravery counteracted the effects of surprise, and baffled the well-concerted scheme of the enemy. They remained to refit and provide till the 2d of May, and on approaching the Cape ascertained that Suffrein had arrived before them. Though previous to the arrival of Suffrein that settlement, then supposed of great importance, was not in a condition to have offered any considerable resistance to the land and naval force under Meadows and Johnstone, it was now accounted vain to make on it any attempt. While the French fleet lay at anchor in False Bay, it appeared not to the Commodore impossible to make prize of a fleet of Dutch East Indiamen, in Saldanha Bay. Success depended on being able, by surprise and celerity, to prevent them from being run ashore and burnt. The end was pretty completely attained; as, out of five ships, four were secured. The Commodore in his own ship, with the prizes and most of the frigates,

returned to Europe; the rest, together with the troops, proceeded to India. Suffrein, leaving a sufficient garrison for the protection of the Cape, sailed for the island of Mauritius; where he augmented the French fleet to ten sail of the line, one fifty gun ship, and several frigates. The English on the 2d of September stopped at the island of Joanna, to land and recover the sick, who now amounted to a third part both of the seamen and soldiers. They left the island on the 24th of the same month; were becalmed from the 11th of October to the 5th of November; at 260 leagues distance from Bombay, they were carried, by the shifting of the monsoon, to the coast of Arabia Felix; on the 26th of November anchored in Morabat Bay; on the 6th of December, the principal ships of war, having on board General Meadows and Colonel Fullarton with the chief part of the troops, proceeded in quest of Admiral Hughes; the remaining ships, and transports with part of two regiments, under the command of Colonel Humberston Mackenzie, left Morabat on the 9th; and arrived at Bombay on the 22d of January, 1782.

The Colonel remained only six days at Bombay, when he re-embarked the men, and set sail for Madras. On the 9th of February, at Anjengo, in the dominions of the King of Travancore, alarming intelligence reached him from the Coromandel coast; that Hyder Ali had over-run the whole of Carnatic with an immense army; that he threatened Tanjore, Marawar, Madura, and Tinivelly with destruction; that he had circumvented and cut off two British armies; that dissension, improvidence, and pusillanimity reigned at Madras; and that Fort St. George itself was insulted and endangered. To these statements was added intelligence, that the French fleet were at this time to assemble off Point de Galle;

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and that magazines for them had for some time been forming at Columbo and other ports in Ceylon. He called a Council of War; when he came to the determination, in consequence chiefly of the intelligence respecting the French fleet, rather to attempt a diversion on the Malabar side of Hyder's dominions, than to incur the chances of delay and danger attached to the voyage round to Madras. He landed his troops, amounting to scarcely a thousand men, at Calicut, on the 18th of February, where he joined Major Abington, and as senior officer assumed the command. He immediately took the field; proceeded into Hyder's territories; drove before him the army which was left for the protection of those parts; and took several forts; when, the monsoon approaching, he returned to Calicut, and placed his little army in cantonments in the month of May.

The French fleet, with a body of land forces, forming part of the armament which under Bussy was destined to restore the influence of the French in India, left the islands a considerable time after the English sailed from Joanna; and the Admiral dying on his passage, the command devolved upon M. Suffrein, a man of great resource, of unwearied enterprise, and, in every respect, one of the best naval commanders whom France had ever produced. The English fleet, delayed and dispersed by the weather, incurred considerable danger of a very unseasonable rencounter; and the Hannibal, a fifty gun ship, being separated from the rest in a haze, unexpectedly found herself surrounded by the enemy, where, after a fruitless though gallant resistance, she was taken. The French fleet arrived on the Coromandel coast in the month of January, and intercepted several vessels bound to Madras with grain. Sir Edward Hughes, after taking Trincomalee, was obliged on the last day of

January to set sail for Madras, being in great want of stores and provisions, his ships much decayed, and his crews diminished and sick. On his arrival at Madras, on the 11th of February, he learned that he had fortunately escaped the French fleet already upon the coast; but still found himself exposed to their attack in an open road with only six ships of the line, out of condition from long service, and almost destitute of supplies. By another fortunate chance (for had either squadron fallen in with the French, the most fatal consequences might have ensued), the ships which carried General Meadows and his army, consisting of one seventy-four, one sixty-four, and one fifty gun ship, arrived the next day in the road; and within twenty-four hours, Suffrein, with ten ships of the line, two ships, including the captured Hannibal, of fifty guns, six frigates, eight transports, and six prizes, hove in sight, reconnoitred Madras, and anchored a few miles to windward of the English fleet, which with the utmost diligence was making the necessary preparations for action. Deceived in his probable expectation of finding Sir Edward Hughes with only six sail of the line, not re-inforced, and of signalising his arrival by so decisive a blow as the destruction of the English fleet, he on the 14th passed Madras in line of battle to the southward. The English weighed anchor, and followed. On the 15th in the evening, the fleets passed each other, so near, as to exchange some shots. On the 16th, the English Admiral found an opportunity of making a push at the French convoy separated from the fleet, when he retook five of the vessels which had been captured on the coast, and a large transport laden with provisions, ammunition, and troops. On the 17th, after a variety of movements in which Suffrein still kept the weather gage, the two fleets came to action late in the

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day; and separated after a short conflict, on the approach of night, when the French steered to windward, and the English to Trincomalee.

The French Admiral proceeded to Porto Novo, and landed 2000 men.[1] They were soon joined by a large detachment of Hyder's army, under the command of Tippoo his son, who had just been employed in inflicting upon the English one of the deepest wounds which they had sustained during the war. Colonel Brathwaite, with 100 Europeans, 1500 native troops, and 300 cavalry, stationed for the purpose of protecting Tanjore, lay encamped on the banks of the Coleroon, at a distance of forty miles from the capital of that name, exposed indeed on an open plain, but apparently secured by the intervention of several large and deep rivers, and the distance of the enemy. His position gave encouragement to Hyder. Tippoo, with 10,000 horse, an equal number of infantry, twenty pieces of cannon, and M. Lally, with his European corps 400 strong, surrounded Colonel Brathwaite before he had received even a suspicion of their march. His first endeavour was to reach Tanjore, or some other place of safety; but the superior force of the enemy rendered this impracticable. The next resolution was to make a brave defence; and seldom can the annals of war exhibit a parallel to the firmness and perseverance which he and his little army displayed. From the 16th to the 18th of February, surrounded on all sides by an enemy, who outnumbered them, twenty to one, did they withstand incessant attacks. They formed themselves into a hollow square, with the artillery interspersed in the faces and the cavalry in the centre. Tippoo laboured, by the fire of his cannon, to produce a breach in some

[1] The author of Histoire de la Derniere Guerre (p. 297) says about 3000; but, that was, including a regiment of Caffres.

of the lines, and as often as he fancied that he had made an impression, urged on his cavalry, by his presence, by promises, by threats, by stripes, and the slaughter of fugitives with his own hand. Repeatedly they advanced to the charge; as often were they repelled by showers of grape-shot and musketry; when the English cavalry, issuing from the centre, at intervals suddenly made by disciplined troops, pursued their retreat with great execution. After twenty-six hours of incessant conflict, when great numbers of the English army had fallen, and the rest were worn out with wounds and fatigue, Lally, at the head of his 400 Europeans, supported by a large body of infantry, covered on his flanks by cavalry, advanced with fixed bayonets to the attack. At this tremendous appearance, the resolution of the sepoys failed, and they were thrown into confusion. The rage of barbarians was with difficulty restrained by the utmost efforts of a civilized commander. Lally is reported to have dyed his sword in the blood of several of the murderers, before he could draw them off from the carnage. It is remarkable, notwithstanding the dreadful circumstances of this engagement, that out of twenty officers, only one was killed, and eleven wounded. And it is but justice to add, that Tippoo treated his prisoners, especially the officers and wounded men, with real attention and humanity.

The arrival of so important an aid as that of 2000 Frenchmen, augmented to an alarming degree the army of Tippoo. Cuddalore yielded to their united force on the 3d of April, and afforded a convenient station both naval and military for the French. In the mean time Sir Edward Hughes left Trincomalee, having effected the most necessary repairs, and arrived at Madras on the 12th of March. Towards the end of that month, the French Admiral slipped

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from Porto Novo, hearing that a fleet of English Indiamen had arrived upon the coast. As soon as his departure was known at Madras, Sir Edward Hughes got under weigh; but had not lost sight of the flag-staff of the fort, when he fell in with the fleet, of which the French were in quest, consisting of seven Indiamen and two line of battle ships, having a king's regiment on board. He ordered the men of war to join him, and proceeded to land a reinforcement and stores for the garrison at Trincomalee. His policy was to avoid an engagement till this service was performed. Suffrein, on the other hand, whose crews were sickly, and his provisions wearing low, was eager to fight. The two fleets came in sight on the 8th of April; but the English Admiral held on his course, and the French followed, during that and the three succeeding days, when, having made the coast of Ceylon, about fifteen leagues to windward of Trincomalee, the English bore away for it during the night. This appears to have been the opportunity for which Suffrein was in wait; for having gained the wind of the English squadron, he was seen on the morning of the 12th crowding all the sail which he could carry in pursuit, while the English were so alarmingly close upon a lee shore that one of the ships actually touched the ground. A severe conflict ensued, in which the intrepid resolution of the English again counterbalanced the disadvantages of their situation; and the fleets, after suffering in nearly an equal degree, were parted by the night. So much were both disabled, that they lay for seven days within random shot, only to prepare themselves to sail; and retired, the English to Trincomalee, the French to the Dutch harbour of Battacolo, without on either side attempting to renew the engagement.

The English army, who had now been some

months in cantonments, took the field on the 17th of April. The object first in contemplation was to relieve Parmacoil; but on arriving at Carangoly, the General found it already surrendered. On the 24th the army encamped near Wandewash, on the very spot on which Sir Eyre Coote defeated the French General Lally in 1760. The general orders boasted of the victory, and a double batta was issued to the troops; but on the next day, on account of water, the position was shifted to the other side of the fort. Hyder and his French auxiliaries lay encamped on a strong post, on the red hills near Parmacoil, from which, on the approach of the English, they removed to another in the neighbourhood of Kellinoor. As the magazines of Hyder were deposited in the strong fort of Arnee, Sir Eyre concluded that a march upon that place would draw the enemy to its assistance, and afford the opportunity of a battle. He encamped on the 1st of June within three miles of the place; and Hyder passing over a space of forty-three miles in two days, took up his head-quarters at Chittapet, on the evening of the same day. Before the dawn of the following morning, the English army were in motion toward Arnee; but with the first of the light, a heavy cannonade was opened on their rear. The troops came twice to the right about, and the baggage was brought twice through the files, before it was possible to discover whence the firing proceeded. A Council, which was called, and deliberated in great uncertainty, agreed in opinion, that an attack was to be expected on the rear, and the army was immediately drawn up to receive it. The enemy's horse, in the mean time, occupied the circumjacent grounds, more elevated than the low spot which was occupied by the English, and considerably galled them; while Hyder, dexterously detaching a division of his army

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under Tippoo, carried off the treasure from Arnee, gave instructions to the commandant, and reinforced the garrison. Having accomplished his object, he retired as the English advanced; and one of his guns, and a tumbril which stuck in the bed of the river, were the only trophies of the day. Deeming it vain to attempt the reduction of Arnee, the English on the 7th were considerably advanced on their march back to Madras, when a regiment of European cavalry, which Sir Eyre Coote called his grand guard, were drawn into an ambuscade, and either killed or taken prisoners. After attempting without success to lead the enemy into a similar snare near Wandewash, on the 9th, the General proceeded on his march, and on the 20th arrived at Madras.

On the 29th of that month, by a letter from the Governor-General to Lord Macartney, the conclusion of peace with the Mahrattas was announced at Madras. Sir Eyre Coote, as solely invested with the power of war and peace, of his own authority, and without consulting the Governor and Council of Madras, proposed to Hyder, or rather summoned him, to accede to the treaty concluded between the English and the Mahrattas, to restore all the forts which he had taken, and within six months to evacuate Carnatic; otherwise, the arms of the Mahrattas would be joined to those of the English, in order to chastise him. Lord Macartney, alarmed at so daring an assumption of the whole power of the Presidency, is accused of having diverted the mind of Hyder from peace, by teaching him to doubt the validity of any agreement with the General, in which the Governor and Council had not a part.[1] But Hyder too well knew the politics of India to receive great addi-

[1] Memoirs of the late War in Asia, i. 403, which, being an undistinguishing panegyric upon Hastings, takes part against Macartney.

tion to his apprehensions from the threats of the General; and was too well acquainted with the intrigues of Madras to receive new lights from the communication, even if it had been made, which was thus imputed to Lord Macartney. To retain the negotiation more completely independent of the civil authority, the General moved from Madras, on the 1st of July, and lessened his distance from Hyder. Sir Eyre was a most unequal match for the Mysorean, in the arts of diplomacy, and allowed himself to be duped. Hyder amused him in the neighbourhood of Wandewash, till the army had wholly consumed not only their own rice, but also that of the garrison; and till he had completely arranged with the French Admiral a plan of combined operations for the reduction of Negapatam. He then demanded a little time for deliberation, and, suddenly, withdrawing his vakeel, left the General in total darkness with regard to his designs.

Sir Eyre Coote was obliged to return to Madras; and good fortune alone defeated the train which was laid for the reduction of Negapatam. Suffrein, in sailing to Negapatam, was descried by the English fleet, and in spite of every attempt to gain the road without fighting, was by the skilful movements of the Admiral constrained to venture a battle. After refitting at Ceylon, both fleets had returned to the coast about the end of June, the French to the port of Cuddalore, the English to that of Negapatam. Weighing anchor about three in the afternoon on the 3d of July, the English Admiral steered in a southerly direction in order to gain the wind of the enemy, and about 11 o'clock on the following day the action commenced. It was close, warm, and general. After an hour and a half, during which the fire had been equally well maintained on both sides, the

French line appeared to be getting into disorder; and the English began to cheer themselves with the hopes of a speedy and glorious victory, when a sudden alteration in the wind disturbed their order of battle, afforded an opportunity to Suffrein, of which he dexterously availed himself, to form a line with those ships which had suffered the least, for covering the disabled part of his fleet, and induced the English Admiral to collect his scattered ships. At the approach of evening he cast anchor between Negapatam and Nagore.[1] The French, having passed the night about three leagues to leeward, proceeded the next morning to Cuddalore; and the English fleet, though it saw them, was too much disabled to pursue. The English Admiral, after remaining a fortnight at Negapatam, arrived at Madras on the 20th, in order to refit. In the mean time Suffrein had proceeded with characteristic activity, a quality in which he was never surpassed, in preparing his fleet, for sea at Cuddalore. He was a man, that, when the exigency required, would work for days, like a ship's carpenter, in his shirt. He visited the houses and buildings at Cuddalore, and, for want of other timber, had the beams which suited his purpose taken out. To some of his officers, who represented to him the shattered condition of his ships, the alarming deficiency of his stores, the impossibility of supplying his wants in a desolated part of India, and the necessity of repairing to the islands to refit; the whole value, he replied, of the ships was trivial, in comparison with the object which he was commissioned to attain; and the ocean should be his harbour, till he found a place in India to repair them. On

[1] It is said that two of the French line of battle ships struck during the action, but that Suffrein fired into them, till they hoisted colours again; and in consequence were saved.

the 5th of August, the Governor of Fort St. George was informed, that the French fleet was already not only prepared for sea, but had actually sailed to the southward on the 1st of the month; that the first division of the French reinforcements expected from Europe was actually arrived at Point de Galle; and that the second, with Bussy himself, was daily expected. Greatly alarmed for the fate of Trincomalee, and even of Negapatam, the President and Committee deemed it requisite to quicken the preparations of the Admiral, whose activity equalled not his courage and seamanship, by a letter, in which they drew his attention to this intelligence, and to the danger which every day was incurred, while an enemy's fleet kept the sea, without a British to oppose it. The jealousy of the Admiral was acute; of the time for sailing, he replied, that he was the judge; that he was not responsible for his conduct to the government of Madras; and that he should proceed to sea with his Majesty's squadron under his command, as soon as it was fit for service.[1] He did not proceed to sea before the 20th of August; when he sailed to Trincomalee, and found it already in the hands of the enemy. Suffrein, after proceeding to Point de Galle, where he was joined by the reinforcements from Europe and two ships of the line, anchored in Trincomalee Bay on the 25th; landed the troops before day the next morning; opened the batteries on the 29th; silenced those of the garrison before night; and summoned the place the following morning. Eager to anticipate the arrival of the English fleet, Suffrein offered the most honourable terms. The forts were surrendered on the last of the month, and Hughes arrived on the 2d of September.

[1] Barrow's Life of Lord Macartney, i. 122.

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Early on the following morning the French fleet proceeded to sea; when the English were eager to redeem by a victory the loss of Trincomalee. The French had twelve, the English eleven sail of the line; the French had four ships of fifty guns, the English only one. The battle began between two and three in the afternoon, and soon became general. After raging for three hours with great fury in every part of the line; the darkness of the night at last terminated one of the best fought actions then recorded in the annals of naval warfare. The exertions of Suffrein himself were remarkable, for he was ill seconded by his captains, of whom he broke no fewer than six, immediately after the engagement. Fortunately for the French fleet, they had the island of Trincomalee at hand, to receive them; but in crowding into it in the dark, one ship struck upon the rocks, and was lost; and two others were so much disabled, that ten days elapsed before they were able to enter the harbour. Suffrein then described them as presents which he had received from the British Admiral; who, regarding the proximity of Trincomalee as a bar to all attempts, and finding his ammunition short, immediately after the battle proceeded to Madras.

Hyder, upon the disappointment of his plan against Negapatam by the rencounter between the French and English fleets, returned upon his steps; and proceeded toward his magazine at Arnee. Upon the return of the English army to Madras, a plan had been concerted for the recovery of Cuddalore. The return, indeed, of Hyder, by alarming the General for the safety of Wandewash, made him wish to lessen rather than increase his distance from that fort; but after a day's march, having learned that Hyder had passed the river Arnee, he proceeded in

the direction of Cuddalore, and on the 6th of September encamped on the red hills of Pondicherry. Intelligence, here received, of the fall of Trincomalee, of another action between the fleets, and of the intention of the British Admiral to return to Madras, induced the General, who had sustained a second paralytic attack, to return to the same place with the army.

The Presidency were thrown into the utmost agitation and alarm by an unexpected event; the refusal of the Admiral to co-operate in the enterprise against Cuddalore; and the declaration of his intention to proceed to Bombay and leave the coast during the ensuing monsoon. If the coast were left unprotected by a British fleet, while the harbour of Trincomalee enabled the enemy to remain, and while Hyder was nearly undisputed master of Carnatic, nothing less was threatened than the extirpation of the English from that quarter of India. Beside these important considerations, the Council pressed upon the mind of the Admiral, the situation of the Presidency in regard to food; that their entire dependance rested upon the supplies which might arrive by sea; that the stock in the warehouses did not exceed 30,000 bags; that the quantity afloat in the roads amounted but to as much more, which the number of boats demanded for the daily service of his squadron had deprived them of the means of landing: that the monthly consumption was 50,000 bags at the least; and that, if the vessels on which they depended for their supply were intercepted, (such would be the certain consequence of a French fleet without an English upon the coast,) nothing less than famine was placed before their eyes. The Admiral was reminded that he had remained in safety upon the coast during the easterly monsoon of

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the former year, and might still undoubtedly find some harbour to afford him shelter. A letter too was received express from Bengal, stating that Mr. Ritchie, the marine surveyor, would undertake to conduct his Majesty's ships to a safe anchorage in the mouth of the Bengal river. And it was known that Sir Richard Bickerton, with a re-inforcement of five sail of the line from England, had already touched at Bombay, and was on his way round for Madras.

The Admiral remained deaf to all expostulations. In the mean time intelligence was received that the enemy were preparing to attack Negapatam. The President had already prevailed upon Sir Eyre Coote to send a detachment of 300 men under Colonel Fullarton into the southern provinces, which, since the defeat of Colonel Brathwaite, had lain exposed to the ravages of Hyder, and were now visited with scarcity, and the prospect of famine. Within two days of the former intelligence, accounts were received that seventeen sail of the enemy's fleet had arrived at Negapatam, and that the place was already attacked. The most earnest expostulations were still addressed to the Admiral in vain; and the morning of the 15th of October exhibiting the appearance of a storm, the fleet set sail and disappeared. The following morning presented a tremendous spectacle to the wretched inhabitants of Madras; several large vessels driven ashore; others foundered at their anchors; all the small craft, amounting to nearly 100 in number, either sunk or stranded; and the whole of the 30,000 bags of rice irretrievably gone. The ravages of Hyder had driven crowds of the inhabitants from all parts of the country to seek refuge at Madras, where multitudes were daily perishing of want. Famine now raged in all his horrors; and the

multitude of the dead and the dying threatened to superadd the evils of pestilence. The bodies of those who expired in the streets or the houses without any one to inter them, were daily collected, and piled in carts, to be buried in large trenches made for the purpose out of the town, to the number, for several weeks, of not less, it is said, than twelve or fifteen hundred a week. What was done to remove the suffering inhabitants to the less exhausted parts of the country, and to prevent unnecessary consumption, the Governor sending away his horses and even his servants, could only mitigate, and that to a small degree, the evils which were endured.[1] On the fourth day after the departure of Sir Edward Hughes and his fleet, Sir Richard Bickerton arrived, with three regiments of 1,000 each, Sir John Burgoyne's regiment of light horse, amounting to 340, and about 1000 recruits raised by the Company, chiefly in Ireland; but as soon as Sir Richard was apprized of the motions of Sir E. Hughes, he immediately put to sea, and proceeded after him to Bombay. Sir Eyre Coote also, no longer equal to the toils of command, set sail for Bengal; and General Stuart remained at the head of the army, now encamped at Madras, with provisions for not many days, and its pay six months in arrear.

The exclusive power over the military operations, which had been entrusted to Coote, and which, though it greatly impeded the exertions of the President, motives of delicacy and prudence forbade him to withdraw, belonged, under no pretext, to General Stuart; and the Governor and Council proceeded to

[1] The violence of the tendency there was to calumniate Lord Macartney is witnessed by the absurd allegations which even found their way into publications in England; that he kept the grain on board the ships to make his profit out of its engrossment. See Memoirs of the late War in Asia, i. 413.

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carry their own plans into execution, for checking the profuse expenditure of the army, and making the most advantageous disposition of the troops. A reinforcement of 400 Europeans was dispatched to co-operate with the Bombay army in effecting a diversion on the western side of Hyder's dominions; 300 of the same troops were sent to the northern Circars against an apprehended invasion of the French; and 500 to strengthen the garrison at Negapatam. Fortunately for the English, the French had no information or conception of the unprotected and starving condition in which Madras had been left. It remained unvisited, even by a few frigates to intercept the corn ships: and from Bengal and the Circars considerable supplies were received. An event also arrived, of such magnitude, as to affect the views of almost every state in India, and suddenly to cheer the gloom which darkened the prospects of the English. Their great enemy Hyder Ali, who began his career in one of the lowest situations of life; who, totally destitute of the benefits of education, raised himself to be the sovereign of a great empire, and displayed a talent for government and for war, of which they had met with no example in India, died at Chittore in the beginning of December, at an age not exactly ascertained, but certainly exceeding eighty; when his destined successor Tippoo was at a great distance; having been detached to the western coast to oppose Colonel Humberstone's invasion.

That officer, after remaining at Calicut from the end of May till the beginning of September, proceeded to Palacotah, a strong fort, situated about a mile from Palacatcherry, and commanding the great southern pass between the coasts, with an army consisting of more than 900 British troops, and 2000 Bombay sepoys; beside 1,200 sepoys with European

officers and serjeants, furnished by the King of Tanjore; and a proportional train of artillery, of which however they were obliged, for want of draught bullocks, to leave the whole of the heavy part, and one half of the remainder by the way. They remained before Ramgurree from the 20th of September to the 6th of October. Being deserted in the night, it was garrisoned with convalescents, and made the centre of a chain of communications. After taking another fort on the 14th, they approached Palacatcherry; and on the 18th, without much difficulty, dispersed the enemy, who met them at about three miles distance from the fort. To take Palacatcherry, without heavy artillery, was, after three days' inspection, considered impossible; and the army were ordered to march at four o'clock on the morning of the 22d, in order to occupy a camp at several miles distance, till the battering cannon should arrive. Unfortunately, the officer who conducted the retreat, instead of putting the line to the right about, ordered them to countermarch, which threw the baggage and stores to the rear. Apprized of all their motions, the enemy dexterously watched them, in a narrow defile, till all except the rear guard and the baggage had passed, when the enemy suddenly made an attack, and the whole of the provisions, and almost all the ammunition, fell into their hands. It now only remained for the English to make their retreat to the coast with the greatest expedition. They were attacked from every thicket; exceedingly harassed both on flanks and rear; during the two first days they hardly tasted food; and on the 18th of November, when they reached Ramgurree, the fortifications of which, as well as those of Mangaracotah, they blew up, they received

BOOK V. CHAP. 5. 1782. intelligence that Tippoo Saheb, with 20,000 men, whom the weakness of the English in Carnatic had enabled Hyder to detach for the protection of his western provinces, was advancing upon them with rapid marches, and already at hand. They had marched but a few miles on the following morning, when Tippoo's advanced parties opened a cannonade on their rear. Fighting every step of the march, they arrived towards dark at the river Panianè, which appeared impassable. After a painful search of two hours a ford was found, which, though it reached up to the chin of an ordinary man, they resolved to attempt, and happily passed with the loss of but two black women, among the followers of the camp. The enemy, expecting to find them an easy prey in the morning, had totally neglected to watch them during the night. Next day they reached the town of Panianè, against which the operations of Tippoo were immediately commenced. Before dawn on the 28th of November, the enemy, divided into four columns, including a portion of Lally's corps, with that officer himself at their head, made a strong assault upon the English lines, as yet incomplete. They had dislodged a body of sepoys, and were in possession of the guns, before the English troops got under arms; when the forty-second regiment, advancing with fixed bayonets, threw them into confusion. They made various attempts to rally, but with considerable slaughter were compelled to retreat. Tippoo continued the blockade, and was understood to be meditating another attack, when he received the news of his father's decease. He departed immediately with a few horse, leaving orders for the army to follow.

No sooner was intelligence received of the death

of Hyder, than Lord Macartney, aware of the feeble cement of an Indian army, and justly estimating the chances of its dispersion, if, at the moment of consternation, it were vigorously attacked, expressed his eagerness for action. General Stuart, instead of seconding this ardour, either by having the troops in readiness, or putting them in motion, was employing his time and his talents in squabbles with the civil authority. Slight symptoms of military impatience, under the command of the Company's servants, had, at different times, already appeared. But it was under Coote, that it first assumed a formidable aspect. The independant authority which was yielded to that commander corrupted the views of the military officers; and General Stuart was well calculated to uphold a controversy on the subject of his own pretensions. From the moment of his elevation to the command of the troops, and to a voice in the deliberations which regulated their actions, he is accused of having diligently objected to almost every proposal; and of having filled the records of the Company with teasing discussions on his own dignity, privileges, and emoluments. The King's officers, indeed, from an early period of their services in India, assumed an air, proportionate, as they imagined, to the dignity of the master whom they served; and they now, under General Stuart, distinctly asserted the doctrine of being at liberty to obey, or not to obey the Company, as they themselves held fit. A doctrine which implied the extinction of the civil authority, and went to subvert the government of the Company, appeared to Lord Macartney to demand an explicit and decisive resistance. The Committee agreed with him in recording a declaration; That when the King lent his troops for the service of the Company, and when they passed from the pay of the

BOOK V. CHAP. 5. 1782. King into the pay of the Company, their obedience to the Company, till the period of their recall, was a condition necessary and understood: That the King reserved to himself the regulation of their interior economy; but with regard to their operations, gave them not so much as instructions; which were left exclusively to the Authority, for the service of which they were employed. The General, having thought fit to deliver to the Committee what he called an answer to this declaration, and therein to assert a right of judging when he should obey, and when not, received by the unanimous resolution of the Committee, a positive order to send no commands or instructions, except on business of discipline or detail, to any of the King's or Company's officers without the approbation of the Committee. To these decisive measures General Stuart abstained from any direct or declared resistance; and rather chose to thwart the views of the President and Council by placing obstacles in their way. Upon their earnest application, when the news arrived of the death of Hyder, that the army should march, the General affected to disbelieve the intelligence; and, if it was true, replied, that the army would be ready for action in the proper time. When the fact was ascertained, and the remonstrances were redoubled; when letters were daily received, describing the importance of the moment for striking a decisive blow; when the commanding officer at Tripasore sent express intelligence, that the whole of the enemy's camp was in consternation, that numbers had deserted, and that, in the opinion of the deserters, the whole army, if attacked before the arrival of Tippoo, would immediately disband and fly into their own country, the General declared the army deficient in equipments for marching at that season of the year;

though for upwards of a month he had been receiving the strongest representations on the necessity of keeping it in readiness for action, with offers of the utmost exertions of the government to provide for that purpose whatever was required.

Tippoo, in the mean time, had admitted no delay. Having reached Colar, where he performed the accustomed ceremonies at the tomb of his father, he pursued his course to the main army, which he joined between Arnee and Velore, about the end of December. The address and fidelity of the leading officers, who concealed the fatal event, had been able to preserve some order and obedience among the troops till he arrived; when the immediate payment of their arrears, and a few popular regulations, firmly established Tippoo on his father's throne. Shortly after his arrival he was joined by a French force from Cuddalore, consisting of 900 Europeans, 250 Caffrees and Topasses, 2,000 sepoys, and twenty-two pieces of artillery; while at this time the whole of the British force in Carnatic, capable of taking the field, amounted to no more than 2,945 Europeans, and 11,545 natives.

On the 4th of January the army at last took the field. On the 5th of February they marched. On the 8th they arrived at Wandewash, where the enemy appeared. On the 13th the General advanced and offered battle; when the enemy retired in haste and disorder towards the river. He withdrew the garrison from Wandewash and Carangoly, which it was held impracticable to maintain; and blew up the fortifications of both. He then marched towards Velore, and at that place received intelligence that Tippoo Saib was retreating from Carnatic, that he had ordered Arcot to be evacuated, and two sides of the fort to be destroyed.

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Tippoo was recalled, not only by the care of establishing his government, but of meeting a formidable invasion on the western coast, which had already approached the vitals of his kingdom. The English army, which had been left unobstructed on his departure from Panianè, about the beginning of December, proceeded about the end of that month, the sepoys by land to Tellicherry, the European part, by sea, to Merjee, about three hundred miles north of Panianè. In January, General Mathews, with an army under his command, from Bombay, arrived at Merjee, and summoned to his standard the rest of the troops on that part of the coast. He took by storm the fort of Onore, and reduced some other places of smaller consequence; and about the middle of the month, with a force consisting of about 1,200 Europeans, eight battalions of Sepoys, and a proportionate quantity of artillery and Lascars, moved toward the great pass which is known by the appellation of the Hussaingurry Ghaut. The ascent consisted of a winding road of about five miles in length, defended by batteries or redoubts at every turning. The army entered the pass on the morning of the 25th, and chiefly with the bayonet carried every thing before them, till they reached a strong redoubt at the top of the Ghaut; this appeared impregnable; but a party clambering up the rocks, came round upon it behind, and the whole of the pass was placed in their power. The next day they advanced to Hyder-nagur, or Bednore, the rich capital of one of the most important of all the dependencies of Mysore. They were on their march with no more than six rounds of ammunition for each man, when an English prisoner arrived, with terms from the Governor, and a proposal to surrender not only the city of Bednore, but the country and all its

dependencies. With the capital, most of the minor forts made a ready submission; but Ananpore, Mangalore, and some others, held out. Ananpore, after violating two flags of truce, stood the storm, and was carried on the 14th of February. In Mangalore, a breach being effected, the commander, unable to prevail upon his people to maintain the defence, was obliged to surrender. In these transactions, particularly in the reduction of Onore and Ananpore, the English army have been accused of a barbarity unusual at the hands of a civilized foe. It appears not, however, that quarter, when asked, was refused; but orders were given to shed the blood of every man who was taken under arms, and some of the officers were reprimanded for not seeing those orders rigidly executed.[1] After the acquisition of Mangalore, the General, with a portion of the army, returned to Bednore, where the flames of discord were kindled by pretensions to the spoil. A vast treasure amounting to eighty-one lacs of pagodas, 801,000*l.* besides a quantity of jewels, was understood to have been found in Bednore. Of this, though the army was in the greatest distress for want of money, having received no pay for twelve months, some of the troops for a longer time, the General positively refused to divide any part. The most vehement complaints and remonstrances ensued. Refractory proceedings were severely, if not arbitrarily punished; and three of the leading officers, Colonel Macleod, Colonel Humberstone, and Major Shaw, left the army, and, proceeding to Bombay, laid their representations before

[1] See Annual Register for 1783; and "A Vindication of the Conduct of the English Forces employed in the late War, under the command of Brigadier-General Matthews, against the Nabob Tippoo Sultaun," by sundry Officers of the Bombay establishment. Parliamentary Papers, ordered to be printed, 11th March, 1791.

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the Governor and Council. So flagrant to the Governor and Council did the conduct of the General appear, that they superseded him; and appointed Colonel Macleod, the next in rank, to take the command in his stead. Suspicions of his rapacity blazed with violence; but it ought to be remembered, that he lived not to vindicate his own reputation; and that in circumstances, such as those in which he was placed, suspicions of rapacity are easily raised.

Colonel Macleod, now Brigadier-General, and Commander-in-Chief, returning to the army with the two other officers, in the Ranger snow, fell in with a Mahratta fleet of five vessels of Geriah, on the 7th of April. This fleet was not, it appears, apprised of the peace; and Macleod, full of impatience, temerity, and presumption, instead of attempting an explanation, or submitting to be detained at Geriah for a few days, gave orders to resist. The Ranger was taken, after almost every man in the ship was either killed or wounded. Major Shaw was killed, and Macleod and Humberstone wounded, the latter mortally. He died in a few days at Geriah, in the twenty-eighth year of his age, and was lamented as an officer of the most exalted promise; a man, who nourished his spirit with the contemplation of ancient heroes, and devoted his hours to the study of the most abstruse sciences connected with his profession.

During this interval, the forty-second regiment was sent from Bednore to seize some forts below the Ghauts; the army was dispersed in detachments, to occupy almost every town and mud fort in the country; nothing, it is said, was dreamt of but riches; intelligence, fortifications, and subsistence, were all equally neglected. In this state of supine insensibility, Tippoo suddenly appeared on the 9th of April, drove in a detachment stationed four miles distant at

Fattiput, seized the town of Bednore with a considerable quantity of ammunition neglectfully remaining without the magazine; laid siege to the fort; and sent detachments to occupy the Ghauts, and surrounding country. The English in Bednore were then cut off from retreat; the fortifications ruinous, their ammunition expended, their provisions low, and their numbers diminishing by disease and fatigue as well as the sword. Honourable terms being promised, they surrendered by capitulation on the 30th of April; but instead of being sent according to agreement to the coast, they were put in irons and marched like felons to a dreadful imprisonment in the strong fortresses of Mysore. To apologize for this outrage upon the law of even barbarous nations, Tippoo charged the English with a violation of the articles of capitulation in robbing the public treasure; and the suspicions which were attached to the character of the General have given currency to a story that he ordered the bamboo of his palanquin to be pierced and filled with pagodas.

After this important success, Tippoo proceeded to Mangalore, in which the remains of the English army collected themselves, with such provisions as the suddenness of the emergency allowed them to procure. On the possession of Mangalore, the chief fortress and the best harbour of Canara, Tippoo, as well as his father, set an extraordinary value. On the 16th of May a reconnoitering party of his horse appeared on a height near the town. On the 20th the picquets, on the 23d the outposts of the garrison were driven in, and the investment of the place was rendered complete.

During the march of Tippoo from Carnatic to the western side of his kingdom, and the operations which preceded his arrival at Mangalore, the follow-

BOOK V. CHAP. 5. 1783. ing occurrences took place at Madras. As soon as the General ascertained the departure of the enemy, he returned with the army, and on the 20th of February encamped near the Mount. The policy of supporting the English army in Bednore against the army of Tippoo, by strong incursions on the southern and eastern parts of his dominions, presented itself, in the strongest point of view, to the Governor and Council. The army stationed in Tanjore and the southern provinces received orders to march towards the west; and to General Stuart it was recommended, to march upon Tippoo's frontier in the direction of Velore. Any such movement he declared to be impossible; and while the army remained inactive, Suffrein, whom the British fleet had not yet returned to oppose, found no difficulty in landing Bussy, with a reinforcement of French troops at Cuddalore. It was an object of great importance to recover possession of that place, before the works should be strengthened, and the army of Tippoo, with the French troops which were with him, should be able to return. To all the expostulations of the Governor and Council, the General is accused of having replied, only by the statement of wants and difficulties, operating as grounds of delay. About fourteen days after the time fixed upon by himself, that is, on the 21st of April, in consequence of peremptory commands, he marched with the army towards Cuddalore. Contrary to his pledge, that he would not recall to his assistance the southern army, without the strongest necessity, of which he engaged to apprise the Committee, he secretly wrote to the Commanding Officer three days before his departure, to join him with the greatest part of the force under his command. By this abuse of their confidence, the Committee were induced to withdraw the discretionary power over the southern

army, which they had granted at his request. The march from Madras to Cuddalore, about 100 miles, is usually performed in twelve days. General Stuart had no obstruction either to meet or to fear; he was, to a degree unusually perfect, supplied with all the requisites for his march; yet he spent forty days upon the road, that is, marched at the rate of less than three miles a day, though the chance of success mainly depended upon dispatch, and the Admiral, who was to co-operate with the expedition, declared that he could not, for want of water and provisions, remain before Cuddalore till the end of June. The fleet had returned to Madras on the 12th of April, augmented to seventeen sail of the line, four frigates, and some smaller vessels; and soon after, a fleet of ten Indiamen, and three store ships, with 1,000 recruits to the army, arrived under convoy of the Bristol man of war, after a narrow escape from the squadron of Suffrein.

The army arrived at Cuddalore on the 7th of June, where the enemy had already thrown up, and almost completed, considerable works. An attack was to be made on these works on the 13th, in three several places at once; and it was planned to give the signal by firing three guns from a hill. Amid the noise of firing, a signal of this description could not be heard; and the attacks were made at three several times. The English were repulsed; but the enemy quitting, in the pursuit, a part of their works, which were dexterously occupied by a division of the English army, were thrown into consternation, and withdrew. This attack had nearly incurred the ruin of the English army, and left sixty-two officers, and 920 men, almost all Europeans, either dead or mortally wounded on the field. The English lay upon their arms during the night in expectation of an attack, which the

BOOK V. CHAP. 5. 1783. troops, fatigued and unprotected, would have found it difficult to sustain. But the spirit of Bussy was chilled by age and infirmities; and he restrained the impetuosity of his officers, who confidently predicted the destruction of the British army.

On the following day Sir Edward Hughes, and Suffrein, who had followed him from Trincomalee, arrived with their respective fleets. The English remained at anchor till the 16th; on the 17th, and two succeeding days, the fleets performed a variety of movements for the purpose of gaining or keeping the wind; and about four o'clock on the 20th they engaged. The English consisted of eighteen sail, the French only of sixteen, and so leaky, that most of them it was necessary to pump during the battle: yet Suffrein, by dexterous management, contrived in several instances to place two of his vessels upon one of the English, of which five were but little engaged. The combatants were parted by night, and the next day the French were out of sight, but appeared at anchor in the road of Porto Novo on the morning of the 22d. The British Admiral, deeming it inexpedient to attack them, only offered battle, and then made sail for Madras. It has been both asserted and denied that Suffrein weighed, and stood after him: but it is certain that he arrived at Cuddalore on the following day. He immediately proceeded to land as many men as he could spare from the fleet; and measures were concerted between him and Bussy for the most vigorous operations. They made a sally on the 25th, which was repulsed; but a grand effort was preparing for the 4th of July; and so much were the English reduced by the sword, by sickness, and fatigue, that the most fatal consequences were probable and feared. Sir Edward Hughes at Madras, and the British army exposed to Suffrein

and Bussy at Cuddalore, presented a dismal prospect to the imaginations of the Governor and Council; when intelligence was received of the signature in Europe of a treaty of peace between the English and French. It was immediately resolved, though official intelligence had not yet arrived, to send a flag of truce to Bussy, recommending an immediate cessation of arms. To this proposal the French commander acceded, with less difficulty than might have been expected. Bussy even consented to invite Tippoo to a participation in the peace, and to send positive orders to the French troops to retire immediately from his service.

Upon the evacuation of Carnatic by Tippoo, the occasion was not omitted of making to him an overture of peace by means of a Brahmen, in the confidence of the King of Tanjore. A favourable answer was remitted; but a point of etiquette, for which the Governor was a great stickler, leading to another on the part of Tippoo, broke off the negotiation. To the application from Bussy, however, an answer was returned in little more than a month, offering peace upon certain conditions, and expressing a desire to send two ambassadors to Madras. Upon the arrival of the vakeels it appeared that a peace, upon the basis of a mutual restitution of conquests, might easily be made; and for the acceleration of so desirable an event, especially on account of the prisoners, to whose feelings, and even lives, a few weeks were of importance, it was deemed expedient to send three commissioners along with Tippoo's vakeels, to expedite on the spot the business of negotiation.

Measures, in the mean time, were pursued for creating a diversion in favour of the detachment besieged in Mangalore. The two divisions of the army which were stationed for the protection, the

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one of the northern, the other of the southern provinces, were reinforced; and instructed to threaten or attack the enemy in that part of his dominions to which they approached. The division in the south was, in the opinion of Colonel Fullarton, by whom it was commanded, augmented sufficiently to penetrate into the very heart of Mysore, and possibly to attack the capital itself.

Amid these proceedings, the contentions which prevailed between the heads of the civil and military departments were hastening to a decision. Along with the flag of truce which was forwarded to the French, it was resolved in the Committee to send orders for the recall of General Stuart to the Presidency, as well because they could not depend upon his obedience, as because they deemed it necessary to hear the account which he might render of his conduct. After a temporary neglect of the commands of the Committee, the General thought proper to leave the army and proceed to Madras; where, superseding mutual explanations, the customary disputes were renewed and inflamed. The Governor at last submitted to the Committee a motion, that General Stuart should be dismissed from the Company's service. In the minute by which this motion was introduced, the misconduct of the General in the expedition to Cuddalore, and the acts of disobedience, which were sufficient in number and magnitude to imply the transfer of all power into his hands, were stated as the principal grounds of the proposed proceeding; to which the votes of the Committee immediately imparted their unanimous sanction. Stuart, however, announced his determination to retain the command of the King's troops; and Sir John Burgoyne, on whom, as second in rank, the command would devolve, intimated his intention to obey the

orders of General Stuart. Decisive acts were now inevitable. The Town Adjutant, accompanied by the Governor's Private Secretary, and a party of sepoys, proceeded to the villa of the General, and brought him quietly a prisoner to the fort; where he remained a few days, and was then embarked for England.

The original plan, to the execution of which the army in the south was destined, was, that it should penetrate on the one side, and the army under Colonel Humberstone at Panianè on the other, into the country of Coimbetore, forming a line of communication from the one coast to the other, through the middle of Tippoo's dominions. In this scheme, which was framed and suggested by Mr. Sullivan, the gentleman at the head of the civil department in the Trichinopoly district, was included a negotiation for raising disturbance against Tippoo in his own dominions, by setting up the pretensions of the deposed Rajah of Mysore. In the months of April and May, 1783, the forts of Caroor, Aravarcouchy, and Dindigul, were reduced; but the exhausted state of the country, not more from the ravages of the enemy, than the disorganization of the government, cramped the operations of the army by scarcity of supplies. The first object of Colonel Fullarton, who took the command of the southern army, was to augment the field force by battalions from Tanjore, Trichinopoly, and Tinivelly; and, vigorously aided as he was by the chief civil servants of the Company, not only to procure supplies, but soothe the minds, and conciliate the favour, of the different classes of the people. It was not before the 25th of May, 1783, that he began to march from Dindigul towards Daraporam. The reduction of this place, which fell on the 2d of June, afforded one incident, which, being a characteristic

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circumstance, deserves to be stated. It was impossible to approach so near the fort as to determine with precision the most advantageous point of attack. One spy explained the circumstances of the place to the Commanding Officer, and another to the Adjutant-General. Each of these officers drew a plan from the description which he himself had received; and they coincided so exactly both with one another, and with the facts, that a body of troops marched in a dark night, crossed a river, and occupied a strong position within 400 yards of the fort, where the batteries were constructed which effected the breach. The accuracy with which the Indian spies convey the idea of a fort even by verbal communication, and still more by models made of clay, is represented as not surprising only, but almost incredible. The orders which General Stuart, unknown to the Committee, dispatched to the southern army, stopped them at this point in their career of conquest; and they were within three miles of the enemy's camp when they received intelligence that hostilities with the French had ceased, and that an armistice was concluded with Tippoo. In the interval Colonel Fullarton had proceeded with great activity in restoring obedience and order in Madura and Tinivelly, in which, during the distress of the Madras government, almost all the Polygars had revolted. According to Fullarton, the management of the province by the Company's and the Nabob's servants had been corrupt and oppressive, and hence pregnant with disorder, in the extreme. One single exception he produces, Mahomed Issoof Khan. "While he ruled these provinces, his whole administration denoted vigour and effect: his justice was unquestioned, his word unalterable, his measures were happily combined and firmly executed, the guilty had no refuge from punishment. On comparing,"

says the English commander, "the state of that country with his conduct and remarks, I found that wisdom, vigour, and integrity, were never more conspicuous in any person of whatever climate or complexion."[1] In the month of August, when the reinforcements had joined him from the army at Cudnalore, and the Polygars were sufficiently reduced and humbled to be disposed to a general submission, this Commander moved towards the frontier of Mysore, under instructions to remain inactive, while the result was uncertain of the negotiation with Tippoo. In the interval thus afforded, among other arrangements, Colonel Fullarton established a system of intelligence, under a defect of which the English had laboured during the whole of the war; and established it in such perfection, even into the heart of the enemy's country, that, "during many months," to use his own expressions, "of continued marching, through a country almost unexplored, he never once failed in his supplies, nor did any material incident escape his knowledge." On the 18th of October, when the supplies of the army were almost exhausted, intelligence arrived, that Tippoo had recommenced hostilities against Mangalore. Colonel Fullarton had long meditated an enterprise against Seringapatam, but none of the forts, directly in the route, were sufficiently strong to be confided in as an intermediate magazine, or, in the event of failure, as a place of retreat. It was therefore determined to march upon Palacatcherry, which was one of the strongest places in India, commanded the pass between the coasts, and secured a communication with a great extent of fertile country. After a march of great difficulty, much impeded by woods and inces-

[1] Fullarton's View of the English Interests in India, p. 139.

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sant rain, the army reached Palacatcherry on the 4th of November. They immediately commenced and carried on their operations with great vigour; but the strength of the place, and the active resistance of the garrison, threatened them with a tedious siege. On the 13th, two batteries were opened, and before sun-set the defences of the enemy were so much impaired, that their fire was considerably abated. At night Captain Maitland took advantage of a heavy rain to drive the enemy from the covert way, and to pursue them within the first gateway, to the second: Here he was stopped, but gallantly defended himself, till additional troops arrived; when the enemy, alarmed by the idea of a general assault, called for quarter, and put the English in possession of the fort. The army then marched to Coimbetore, which they reached on the 26th of November, and which surrendered before they effected a breach. They had now the conquest of Seringapatam, and the entire subversion of the power of Tippoo, full in their view. The brave garrison of Mangalore had long baffled his whole army, which had suffered severely by a perseverance in the siege during the whole of the rains. A chain of connected operations could now be carried on by the army of Colonel Macleod on the western coast, and that of Fullarton in the south. The army of the north was acting in Cudapah, in which and the neighbouring provinces the power of Tippoo was ill established. All the petty princes on the western coast were supposed ready to shake off their dependance. The co-operation was confidently expected of the Hindu inhabitants of Mysore, of whom the Brahmens were in correspondence with the English. Fullarton had provided his army with ten days' grain, repaired the carriages, and made every arrangement for pushing

forward to Seringapatam, with nothing but victory sparkling in his eye; when he received, on the 28th of November, commands from the Commissioners, appointed to treat with Tippoo, to restore immediately all posts, forts, and countries, lately reduced, and to retire within the limits occupied on the 26th of July. He had made some progress in the execution of these commands, when he received, on the 26th of January, directions to re-assemble the army, and prepare for a renewal of the war.

The negotiators, whom the President and Council had dispatched to the presence of Tippoo, for the purpose of accelerating the conclusion of peace, had not attained their object without many difficulties and considerable delay. Scarcely had they entered the territory of the enemy, when they were required, and almost commanded, to surrender Mangalore, which they regarded as the chief security for the lives and restoration of the English prisoners in the hands of Tippoo. On their approach to Seringapatam they were made acquainted with the intention to conduct them to Mangalore. No communication was allowed between them and their unfortunate countrymen, when they passed Bangalore, and other places in which they were confined. Their letters, both to and fro, were intercepted. Upon complaining they were informed, that Colonel Fullarton, notwithstanding the commencement of their mission for peace, had taken and plundered the forts of Palacatcherry and Coimbetore. Not aware that the proceedings of Fullarton were justified by the intelligence which he had received of Tippoo's breach of faith to the garrison at Mangalore, they sent their commands to that officer to restore the places, which, since the date of their commission, had fallen into his hands. After a tedious and harassing journey, through a

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country almost impassable, in which some of their attendants and cattle actually perished, they joined Tippoo at Mangalore, where he had wasted almost a year, and a considerable portion of his army.

The force with which, in the month of May, in the preceding year, he invested Mangalore, is stated at 60,000 horse, 30,000 disciplined sepoys, 600 French infantry, under the command of Colonel Cossigny, Lally's corps of Europeans and natives, a French troop of dismounted cavalry, commanded by an officer of the King of France, irregular troops to the amount of many thousands, and nearly one hundred pieces of artillery. The British garrison consisted of 696 Europeans, including officers, and 2850 black troops, besides pioneers, and camp followers. The operations of the enemy proceeded with so much activity, that on the 27th of May they had completed eleven embrasures, which the English made an effort to destroy, but were repulsed. On the 29th, large stones, some of them weighing 150 pounds, began to be thrown by mortars into the town. As often as they lighted upon soft earth, they buried themselves without mischief: When they fell upon houses, they laid them open, where no materials could be had to repair them, to all the inclemency of the monsoon: When they fell upon a substance harder than themselves, they were dashed into a thousand pieces; and even the wounds and lacerations which were produced by the splinters proved peculiarly destructive, hardly any person surviving who received them.

From batteries erected on the north, the east, and the south, a heavy fire was constantly maintained; the feeble fortifications on the northern side were entirely dismantled on the 4th of June; on the 7th a practicable breach was effected in the wall; and the English, especially as a flag of truce had been re-

jected, looked for an immediate assault. In the mean time they repulsed with the bayonet repeated attacks on the batteries which they had erected without the fortress; repeatedly silenced the batteries of the enemy, and spiked their guns, which were as often expeditiously repaired. Masked batteries were opened, and the approaches of the enemy brought so near, that they threw fascines on the covered way, and edge of the glacis. On the 4th of July, the assault was undertaken. A body of troops, armed with knives, of the shape of pruning hooks, two feet long, and with spears mounted on light bamboos of a prodigious length, rushed into a tower on the left of the eastern gate, while the line marched forward to support them. The enterprise did not succeed. The assaulting party were so warmly received, that they were soon disposed to retreat. On the 6th a general attack was made on the northern covered way, which, though very fierce and obstinate, was also repulsed. The garrison were now obliged to defend themselves from almost daily attempts to penetrate into the fort, while they severely suffered both from scarcity and disease. At last intelligence arrived of the peace between France and England, with the orders of Bussy to the French to co-operate no longer in the hostilities of Tippoo. The French envoy made some efforts to effect a pacification; but even during the suspensions of hostilities, which were frequently terminated, and frequently renewed, Tippoo continued his operations. A trait of Indian humanity ought not to be forgotten. During the progress of hostilities, and especially after the prospect of peace, the enemy's centinels in many instances beckoned to the men to get under cover, and avoid their fire; a generosity which the English were well disposed to return. At last, after a long and intricate

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correspondence, a cessation of hostilities, including the garrisons of Onore[1] and Carwar, was concluded on the 2d of August. Of this agreement one important condition was, that the English garrison should three times a week be furnished with a plentiful market of provisions, at the rates of Tippoo's camp. This was evaded, and prices were daily, in such a manner, increased, that a fowl was sold at eight, and even twelve rupees; and other things in a like proportion. At last the market was wholly cut off; and horse flesh, frogs, snakes, ravenous birds, kites, rats, and mice, were greedily consumed. Even jackals, devouring the bodies of the dead, were eagerly shot at for food. The garrison had suffered these evils with uncommon perseverance, when a squadron appeared, on the 22d of November, with a considerable army under General Macleod. Instead of landing, the General, by means of his secretary, carried on a tedious negotiation with Tippoo; and having stipulated that provisions for one month should be admitted into the fortress, set sail with the reinforcement on the 1st of December. Even this supply was drawn from damaged stores bought of a navy agent, and of the beef and pork, not one in twenty pieces could be eaten even by the dogs. Another visit, with a similar result, was made by General Macleod, on the 31st of December. The desertion of the sepoys, and the mutiny of the Europeans, were now daily apprehended; two-thirds of the garrison were sick, and the rest had scarcely strength to sustain their arms; the deaths amounted to twelve or fifteen every day; and at last, having endured these

[1] For a very interesting detail of the defence of Onore, which was maintained with consummate ability and heroism, by Captain Torriano, till the conclusion of the treaty, see Forbes's Oriental Memoirs, iv. 111 to 175.

calamities till the 23d of January, the gallant Campbell, by whom the garrison had been so nobly commanded, offered, on honourable terms, to withdraw the troops. The Sultan was too eager to put an end to a siege which by desertion and death had cost him nearly half his army, to brave the constancy of so firm a foe; and they marched to Tellicherry, with arms, accoutrements, and the honours of war.

The negotiating commissioners, whose journey had been purposely retarded, were now allowed to approach. The injuries which the English had sustained, since Tippoo had joined in the business of negotiation, were such, as in a prouder state of the English mind, would have appeared to call for signal retribution: But the debility and dejection to which their countrymen were now reduced, and their despair of resources to continue the war, impressed the negotiators with a very unusual admiration of the advantages of peace; and meeting the crafty and deceitful practices of Tippoo with temper and perseverance, they succeeded, on the 11th of March, 1784, in gaining his signature to a treaty, by which, on the general condition of a mutual restitution of conquests, peace was obtained.[1]

It is only necessary, further, to relate the manner in which the treaty was ratified by the Governor-Ge-

[1] For the narrative of the preceding events, have been explored, and confronted, Papers presented to the House of Commons, pursuant to their orders of the 9th of February, 1803, regarding the affairs of the Carnatic, vol. ii.; Barrow's Macartney, i. 109—232; Memoirs of the late War in Asia, i. 231—236, 252—286, and 403—512; A View of the English Interests in India, by William Fullarton, M. P. p. 68—195; Annual Register for 1782 and 1783; the Collection of Treaties and Engagements with the native Princes of India; and the Sixth Report of the Committee of Secrecy of 1782. The recent narrative of Colonel Wilks, drawn up under the advantages of peculiar knowledge, affords me the satisfaction of perceiving, that there is no material fact which my former authorities had not enabled me to state and to comprehend.

BOOK V. CHAP. 5. 1784. neral and Council; and to explain the mode in which, during these momentous transactions, the relations between the Supreme and Subordinate Presidency were maintained. Lord Macartney was not only of superior rank to the highest of the Company's servants in India, but in him was set one of the first examples of elevating a servant of the King to a high station in that country; and of intercepting the great prizes which animated the ambition of the individuals rising through the several stages of the Company's service. To these causes of jealousy were added, recommendations and injunctions, which had been pressed upon so many governors, and which had not failed to involve in odium and difficulties as many as had attempted to obey them; recommendations and injunctions, of peculiar urgency, to correct abuses and effect retrenchments. Though the accomplishments and talents of Lord Macartney, which were not of an ordinary kind, and a considerable propensity to vain glory might have added to the flames of discord, the calmness of his temper, his moderation, and urbanity, were well calculated to allay them. He was aware of the sentiments to which, among the members of the superior government, his appearance in India was likely to give origin; and lost no time in endeavouring to avert the jealousy which might naturally arise. He not only assured the Governor-General of the sentiments of esteem, and even of admiration, with which all that he knew of his administration inspired him, but openly disclaimed all designs upon the government of Bengal; and declared that the objects were not Indian to which his ambition was directed. Mr. Hastings met his professions with similar protestations, both of personal regard, and of desire for co-operation. He also expressed his regret that the suddenness of the arrival of Lord Macartney had not

allowed him the opportunity to furnish to that nobleman the explanation of certain acts, by which the Supreme Government might appear to him to have passed beyond the limits of its own province, and to have taken upon itself an authority which belonged to the Presidency of which he was now at the head.

Of the acts to which Mr. Hastings made allusion, one was, the treaty, into which, in the beginning of the year 1781, he had entered with the Dutch. The object of that measure was to obtain, through the Governors of Colombo and Cochin, a military force to assist in the expulsion of Hyder from Carnatic; but as these Governors acted under the authority of the government of Batavia, for whose sanction there was no leisure to wait, a tempting advantage was represented as necessary to prevail upon them to incur so unusual a responsibility. The negotiation was carried on through the medium of the Director of the Dutch settlements in Bengal; and it was stipulated that for 1000 European infantry, 200 European artillery, and 1000 Malays, who should be paid and maintained by the Company, during the period of their service, the province of Tinivelly should be ceded to the Dutch, together with the liberty of making conquests in the neighbourhood of Cochin, and the exclusive right to the pearl fishery on the whole of the coast south from Ramiseram. In name and ostent, the sovereignty of the Nabob Mahomed Ali was not to be infringed; and the treaty, framed and concluded for him, was to be ratified by his signature. The small value of the cession, and the extreme danger of Carnatic, were urged as the motives to induce compliance on the part both of the Nabob, and of the Presidency of Madras. The ideas, however, of the Nabob, and of the Presidency of Madras, differed very widely from those of the Governor-

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General, respecting the value both of what was to be given and what was to be received. They not only set a high estimate on Tinivelly, but treated the offer of a body of troops, when they were much less in want of troops than of money to pay and maintain those which they had, as a matter of doubtful utility. In consequence, they declined to forward the treaty, transmitting their reasons to the Court of Directors. And the accession of the Dutch to the enemies of England, of which Macartney carried out the intelligence, superseded, on that ground, all further proceedings.[1]

Of the transactions, which Mr. Hastings might expect to impress unfavourably the mind of the noble President, another was, that of which the history has already occurred; the engagement into which he and his Council had entered, for setting aside the intervention of the Government of Madras, and transacting directly with the Nabob of Arcot. Under the same predicament was placed the negotiation into which the Governor-General and Council of Bengal had entered with Nizam Ali, the Subahdar of Deccan, for obtaining from that Prince the aid of a body of his horse, and for ceding to him in return the Northern Circars. Though a treaty to this effect had been fully arranged, yet as the orders for carrying it into execution had not been dispatched when Lord Macartney arrived, Mr. Hastings paid him the compliment of submitting it for his opinion. On this occasion also, the Governor-General represented, as of vast importance, the aid which the Company was thus to receive; and ascribed but little value to the territory which they were about to surrender, both

[1] Supplement to the First Report of the Committee of Secresy, 1782, p. 8, 9; and the Sixth ditto, p. 118.

as it yielded a trifling revenue, and, being a narrow strip along the coast, was, by its extent of frontier, difficult to defend. Here again the opinions of the Governor-General found themselves widely at variance with those of the Governor of Fort St. George. Lord Macartney stated the net revenue for that year of the four Northern Circars, not including Guntoor, at 612,000 pagodas; he affirmed that to the English the defence of territory was easy, not in proportion to its remoteness from the sea, but the contrary, as a communication with their ships enabled the troops to move in every direction; that as manufacturing districts, the Circars were of great importance to the Company's investment; that they would be important in a still higher point of view, as forming a line of communication between Bengal and Carnatic, and giving to the English the whole of the eastern coast, when they should be augmented by Guntoor and Cuttack; and that the friendship of Nizam Ali was of no value, both as no dependance could be placed on his faith, and as the expense of his undisciplined and ungovernable horse would far outgo the utility of their service. On all these accounts Lord Macartney declared, that, without the special command of his employers, he could not reconcile it to his sense of duty to consent to the treaty which was proposed. Mr. Hastings gave way; but a diffidence so marked of his judgment, or his virtue, did not lessen the alienation towards the government of Madras, with temptations to which the situation of the Governor-General so largely supplied him.

The first occasion on which his measures gave uneasiness to the government of Madras, was furnished by the complaints of Coote, whom that government found it impossible to satisfy with power. Instead of interposing with their authority to allay the unreasonable dissatisfactions of the querulous General,

BOOK V. CHAP. 5. 1784. and to strengthen the hands, at so perilous a moment, of the government of Madras, the supreme Council encouraged his discontent, and laid their exhortations upon the Presidency of Madras, to place themselves in hardly any other capacity than that of Commissaries to supply his army, and while they continued responsible for the acts of the government, to retain with them hardly any other connexion, in no degree to possess over them any substantial control. As the coolness on the part of the Governor-General seemed to Macartney to increase, and to threaten unfavourable consequences, which it was of the utmost importance to avert, he sent to Bengal, in the beginning of the year 1782, his confidential secretary Mr. Staunton, in whose judgment and fidelity he placed the greatest reliance, to effect a complete mutual explanation, and, if possible, to secure harmony and co-operation. With this proceeding Mr. Hastings expressed the highest satisfaction, and declared his "anxious desire to co-operate with Lord Macartney firmly and liberally for the security of the Carnatic, for the support of his authority, and for the honour of his administration." But, even at the time when he was making these cordial professions, and entertaining Mr. Staunton with the highest civilities in his house, he signed, as President of the Supreme Council, whose voice was his own, a letter to the President and Council of Madras, in which, with an intimation of a right to command, they say they "do most earnestly recommend, that Sir Eyre Coote's wishes in regard to power may be gratified to their fullest possible extent: and that he may be allowed an unparticipated command over all the forces acting under British authority in the Carnatic." Though Macartney announced his determination to act under this recommendation, as if it were a legal command, he yet displayed, first in a private letter

to the Governor-General, to which no answer was ever returned, and also in a public communication, in the name of the Select Committee of the Council of Madras, his opinion, that the measure, as it regarded either the antecedent conduct of the governor and Council of Madras, or the nature of the case, was destitute of all reasonable ground; calculated to involve the Madras government in difficulties; and liable to produce the most dangerous consequences. Of the rooted enmity of the Governor-General he regarded this proceeding as a decisive proof. And from this time but little between the Presidencies was preserved even of the appearance of concert.

Of the inconvenience to themselves of the transfer which the Supreme Council had ordered of the powers of the Presidency, one instance speedily occurred. Upon a requisition to send a detachment from Madras to Bombay, the President and Council were obliged to return for answer, that compliance no longer remained in their power, since all authority over the troops resided in the General. It is remarkable enough that this incident, which, with others of the like description, might have been so easily foreseen, determined the Supreme Council to revoke the orders which they had formerly given, and by explaining away the meaning of their former words, to substitute a new regulation for the degree of power with which the General was to be supplied. A great diminution, following close in succession upon a great enlargement of power, was not likely to produce a healing effect upon such a temper as that of Coote. He now insisted upon relinquishing the command of the army; and on the 28th of September, 1782, sailed for Bengal. Measures for giving him satisfaction were there concerted between him and the Supreme Council; and he departed from Bengal in

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the following spring to resume the command. It has been historically stated, and without contradiction, That nothing but an accident prevented the two Presidents, even at that trying moment, from plunging their countrymen in India into something of the nature of a civil war: That Coote was dispatched with powers to resume the military command, exempt from dependance upon the Madras government: And that to this illegal subversion of the authority of the subordinate Presidency Lord Macartney was determined not to submit.[1] The death of the General happily prevented the chance of a struggle. The ship, in which he was proceeding from the Ganges to the coast, was chased several days by some of the French cruisers, and at times in imminent danger; the extreme anxiety of this situation operating upon the irritable and enfeebled frame of the General, accelerated a third fit of apoplexy, and terminated his life on the 26th of April, only three days after landing at Madras. To such an extreme the distrust of the supreme government was now carried, that a sum of ten lacs of rupees from Bengal, which arrived a few days after, could not be received, because the person who brought it had orders to deliver it not to the civil government, but into the hands of Sir Eyre Coote. From this time the Governor-General and Council withheld from Macartney, not only the powers which were necessary for effecting by negotiation a division among the enemies of the English, but all instruction with respect to their views of peace and war; and, instead of those supplies which they had hitherto afforded in considerable quantity, they forbid the Carnatic Presidency to draw on the government of Bengal for a single rupee. Repeated applications were sent, before any answer was re-

[1] Memoirs of the late War in Asia, i. 429.

ceived, for instructions in regard to the treaty which Tippoo had declared his willingness to form. It was not till after the commissioners had departed that any were received; and when they came, they were so equivocally worded, that whatever course the Carnatic Presidency might pursue, their conduct would equally stand open to blame.[1]

The treaty of peace with Tippoo was transmitted for ratification to Bengal. In the absence of Mr. Hastings, who was then at Lucknow, it was acknowledged and signed by the Supreme Council, who were vested with all the powers of government. It was returned in due form. It was, then, with the requisite solemnity, transmitted to Tippoo. The receipt of it was acknowledged. And this great transaction was closed.

After a number of months had elapsed, a fresh copy of the treaty was received from Bengal, having the signature as before of the Members of the Council at Calcutta, and the additional signature of the Governor-General at Lucknow. To this instrument was annexed a declaration, that the Nabob Walaw Jaw had a right to be included in the treaty; and a command to the President and Council of Madras, "at their peril," to transmit the ratification of the treaty in its second form to Tippoo.

For understanding this transaction, it is necessary to recollect, that the Nabob, and along with him, his mischievous agents, expressed their uneasiness at the unhappy state of his affairs, by imputing blame to the Governor, and obstructing the government. The Supreme Council had taken part with the complaints, not only of the General, but also of the Nabob. To

1 Papers presented to the House of Commons, ut supra; Barrow's Life of the Earl of Macartney, i. 180 and 233.

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all practicable arrangements for peace, that dependant, ambitious, and insatiate, chief, had shown aversion, and in particular a poignant abhorrence of Hyder Ali and his son. Important as the blessings of peace had now become to the exhausted resources of him and the Company, he treated with unreserved disapprobation the terms of any treaty which, to the Presidency, it seemed practicable to obtain; and neither gave his consent, nor appeared to desire to become a party, to the arrangement which they endeavoured to effect. The treaty of 1769, in which the Nabob was not included as a party, nor his name mentioned, appeared to furnish a precedent to justify a treaty in which, though his participation was not expressed, his interests were secured. And as it was absolutely necessary, on behalf of the Company, that the Nabob should not have the power of breaking a treaty, essential to their interests, though by him violently condemned, it was held a great advantage to place it on a foundation independent of his will. Besides, previously to the negotiation, the Supreme Council were so far from holding up the Nabob, as a necessary and a principal party, that they did not even direct the communication to him of their instructions, or hint the propriety of taking his advice. The complaint, however, which on this account the Nabob had been instigated to raise, the Supreme Council treated now as a matter of infinite importance; and to Lord Macartney they appeared to be actuated by a wish to multiply the embarrassments of his administration. Considering the jealous temper of Tippoo, his distrust of the English, and his perpetual apprehension of treachery and deceit, Lord Macartney was convinced, that to present to him a second ratification of a treaty, after the first had been received as final and complete, could only serve to

persuade him that either on the first or second of these occasions imposition was practised; and that hostility should anticipate the effect of hostile designs. The danger of such a result determined the President to brave the resentment of the superior government, and exonerating his council from responsibility, he declared his readiness to submit to suspension, as the consequence of his refusal to obey the orders of the governing Board. The situation of Mr. Hastings himself became about this time too alarming, however, to leave him inclination for a stretch of his authority; and the disobedience of Lord Macartney was followed by no unpleasant result.[1]

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[1] Barrow's Life of Macartney, i. 232—238; Papers presented to the House of Commons, ut supra.

CHAP. VI.

Financial Difficulties—Campaign of General Goddard on the Bombay side of the Mahratta Country—Attack on the Bengal side—Peace with Scindia—Supreme Court of Judicature—Efforts of the Supreme Court to extend its Jurisdiction—Their Effects upon Individuals—Upon the Collection of the Revenue—Upon the Administration of Justice—Interference of Parliament claimed—Granted—The Chief Justice placed at the Head of the Sudder Duannee Adaulut—Chief Justice recalled—Judicial and Police Regulations—Provincial Councils abolished, and a new Board of Revenue set up.

BOOK V. CHAP. 6. 1780.

WE return to the events which, during these great transactions in the south, had taken place in Bengal, and other parts of the British dominions in India.

Before the commencement of the war with Hyder, the finances of the Company in every part of India had become a source of distress. The scanty resources of Bombay, which seldom equalled the expenditure of a peace establishment, had not, even with the supplies which had been sent from Bengal, sufficed to save that Presidency from the necessity of draining the channels of loan, and from sinking in arrear so deeply, even with the pay of the army, that the General, in the month of August, 1780, declared it was no longer fit to be depended upon.[1] Even Bengal

[1] See Goddard's Letter to the Select Committee of Bombay, dated 24th August, 1780, Sixth Report of the Committee of Secrecy, ut supra,

itself, though it had enjoyed entire tranquillity, and had only contributed to the maintenance of Goddard's army, and to other feeble operations against the Mahrattas, was so completely exhausted, that, in August, 1780, the Supreme Council were again reduced to the expedient of contracting debt; and before the end of the year, when exertions in favour of Carnatic were required, they were obliged to announce to the Directors the probability of a total suspension of the investment.[1]

In the important consultations of the 25th of September, 1780, upon the intelligence of the fatal irruption of Hyder, it was resolved, that terms of peace should be offered to the Mahrattas, through the mediation of the Rajah of Berar; and on the 2d of October a draught of a treaty was prepared, according to which all conquests made by the English were to be surrendered, with the exception of the fort of Gualior, destined for the Rana of Gohud, and of that part of Guzerat which had been ceded to Futty Sing Guicowar: Should the fort of Bassein, however, be taken by the English forces, before the final agreement, it was proposed to cede, in its stead, all the

p. 111 and 112. See also p. 89 and 90, with the Appendix, No. 256, for details of the extreme poverty and necessities of the Presidency, "necessities," they say, "now pressing to a degree never before experienced."

[1] Sixth Report, ut supra, p. 101, 102, 103. In a letter to General Goddard, under date 20th April, 1780, the Supreme Council wrote, "Our resources are no longer equal to the payment of your army." In another, dated 15th May, they warned the Bombay Presidency against any reliance on continued supply from Bengal, "as neither their resources, nor the currency of the provinces, would endure a continuance of the vast drains," &c. In a minute of the Governor General on the 28th of August, he said, "Our expenses have been increasing; our means declining. And it is now a painful duty imposed upon me, to propose, that we should again have recourse to the means of supplying our growing wants, by taking up money at interest. The sum I do not propose, because I think it should not be limited."

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territory and revenue which they had acquired by the treaty of Poorunder. Of this draught, a copy, with power of mediation, was sent to the Rajah of Berar; and at the same time letters were written to Nizam Ali, to the Peshwa, to Scindia, and to the Poonah ministers, apprising them of the terms on which the English government was ready and desirous to conclude a treaty of peace.

On the 16th of October General Goddard, reinforced by a body of Europeans from Madras, and relieved from apprehension of Holkar and Scindia by intelligence that an attack would be made upon their dominions from the upper provinces of Bengal, put the army in motion from Surat. The roads were still so deep, and the rivers so full, that they were unable to reach their ground before Bassein till the 13th of November. From the strength of the place, and the number of the garrison, the General deemed it necessary to carry on his operations with regularity and caution. A battery of six guns and six mortars, within nine hundred yards of the fort, was completed on the morning of the 28th. Under cover of its fire, approaches were carried on to a spot within 500 yards of the wall, where a battery of nine heavy guns was opened on the morning of the 9th of December, while a battery of twenty mortars began to play upon one of the parapets. On the morning of the 10th, when a practicable breach was nearly effected, the fort made an offer of surrender, but in consequence of some demur the fire was renewed, and next morning the enemy yielded at discretion.

After the reduction of Bassein, the General repaired to Bombay for the purpose of settling with the Committee the further operations of the army, and there received intelligence of the irruption of Hyder into Carnatic, and the destruction of Colonel

Baillie's detachment. An attack, which might operate as a diversion, on the western side of Hyder's dominions, was pressed upon the Presidency of Bombay by that of Madras; and at the same time arrived from the Supreme Council intelligence of their designs respecting peace with the Mahrattas, and a copy of the treaty which it was intended to offer. Though directed immediately to obey a requisition in writing from the Peshwa to suspend hostilities, General Goddard and the Committee of Bombay were exhorted to prosecute the war with vigour, till such time as that application should arrive. After several fluctuations of opinion, it was determined not to evacuate Tellicherry; as a place which, though burthensome to defend, might ultimately be of importance for commencing an attack upon the dominions of Hyder: And, notwithstanding the desire of the Committee to secure Concan, or the country below the Ghauts, it was resolved, upon the recommendation of the General, to occupy the passes of the mountains, and to threaten the enemy's capital, advancing into the country as far as might appear consistent with the safe return of the army. The terror which might thus be inspired was expected to operate as the most effectual inducement to peace; and that terror would be the more powerful, as the two leading chiefs, Scindia and Holkar, were understood to be occupied in the defence of their own dominions against the attack carried on from Bengal.

The army marched from Bassein about the middle of January. The Mahratta force in Concan was computed at 20,000 horse and foot, with about fifteen guns. It was commanded by Hurry Punt Furkea, and posted on the road to B'hore Ghaut, by which, as the easiest of the passes, and that leading most directly to the Mahratta capital, it was expected that

BOOK V. CHAP. 6. 1781.

the English would endeavour to ascend. Notwithstanding the numerical superiority of the enemy, they offered little resistance in the level country, and with only a few slight skirmishes, the English reached the foot of the pass on the 8th of February. The enemy had ascended; and from intelligence it appeared that they had assembled in great force to dispute the passage. Holkar, whom the attack from Bengal had been too feeble to retain on the opposite side of the Mahratta country, and who had left Scindia as sufficient to cope with the force by which he was assailed, had lately joined the Poonah army, of which the whole was encamped near the top of the Ghaut. The General, who saw the advantage of audacity and dispatch, resolved to storm the pass the very night of his arrival. The storming party, which consisted of the grenadiers, headed by Captain Parker, entered about midnight, and with consummate gallantry, forcing the enemy from every battery and post which they occupied, reached the summit at five o'clock in the morning.

At the top of the Ghaut, the English army were not distant more than forty-five miles from the Mahratta capital. On the 12th, a person arrived, commissioned, as he said, by Nana Furnavese, the Poonah minister. His object was, to declare the earnest desire of the Minister to obtain the friendship of the English; but he brought with him no credentials to authenticate his mission. For this, he apologized, by the doubts which Nana felt of the disposition towards him entertained by the English. Goddard was not willing that a mere adherence to forms should obstruct the acquisition of peace. He instructed him to assure the minister of the readiness with which the English would second his views for a termination of the existing contests and the formation of an alli-

ance against their respective enemies. Among other circumstances, the Mahratta agent affirmed, that the copy of the treaty which had been sent for transmission to the Regent of Berar, the Regent, who had not approved of it, had declined to forward. The General, therefore, transmitted to the minister a copy, together with information of his being vested with full powers to treat; and agreed to wait eight days for an answer. The answer arrived within the time prescribed, containing a simple and explicit rejection of the terms. Fully acquainted with the progress of Hyder in Carnatic, and regarding the eagerness of the English for peace, as a declaration of inability for war, the Mahrattas, at this juncture, expected greater advantages from continuing, than terminating hostilities. To the application of the Supreme Council to Moodajee, that he would employ his mediation between them and the Poonah government, an answer was not received till the 9th of January, 1781; and when it did arrive, it contained so many objections to the treaty, and even advanced so many pretensions, on the part of Moodajee himself, that it not only convinced them of the little prospect of peace, but brought in doubt the sincerity of the former professions of that person himself.

Notwithstanding this disappointment in the hopes of peace, and the approach of the English army to the capital of the enemy, Goddard, convinced that possession of the capital, which the enemy had determined to burn, would by no means ensure the attainment of his object, declined any further progress into the interior of the country; and recommended a system of defensive warfare, permitting the return of the Madras troops to the coast of Coromandel, both for assistance against Hyder, and to lessen the pressure upon the Bombay finances.

BOOK V. CHAP. 6. 1781.

After maintaining their post with little disturbance at the head of the Ghauts till the 17th of April, the English descended secretly during the night. The difficulty of supplying the troops with provisions, while the enemy, it was found, could descend by other passes, and intercept their convoys; together with the expense of fortifying the post at the top of the Ghauts, appeared to surpass the advantage of maintaining it. The enemy descended in pursuit the following day. The route from the bottom of the hills to the coast was about twenty-four miles, through a country full of bushes, thickets, and narrow defiles. This was highly favourable to the irregular and unexpected assaults of the Mahrattas, who greatly harassed the English during the three days of the march; but though several lives were lost, and among the rest that of Colonel Parker, the second in command, no material impression was made, nor any loss sustained of the baggage and stores. The Mahratta army re-ascended the Ghauts; and the English, left in possession of Concan, prepared, with the Madras detachment, which the reduced state of the battalions now rendered it desirable to retain, to remain at Callian through the approaching monsoon.[1]

On the Bengal side of the Mahratta country, it was determined, notwithstanding the eminent services of Major Popham, to supersede that officer in the command, and relieve his corps by that of Colonel Carnac, who, having already advanced into the territory of the Rana of Gohud, was, about the beginning of the year 1781, commanded to penetrate, at the head of five battalions of sepoys, towards Oogein, the capital of Scindia. The force employed in this service, as it was too small to prevent Holkar from

[1] Sixth Report of the Committee of Secrecy, 1782, p. 100—113, with the official documents, in its voluminous appendix.

returning to assist in turning the balance against Goddard, so it was too feeble to intimidate even Scindia alone, and seems to have been saved from destruction, or at any rate from flight, by nothing but a fortunate exploit. Having reached Seronge, in the month of February, it was surrounded by a powerful enemy; its supplies were cut off; it was harassed on all sides; the princes, expected to join it, stood aloof; it was reduced to distress for want of provisions: and the commanding officer was obliged to apply by letter for the troops stationed at Futty-ghur, under Colonel Muir, to enable him to retreat into the country of the Rana. Colonel Muir arrived at Gohud on the 29th of March. But before this time Colonel Carnac was reduced to such extremity, that on the 23d of the same month he had summoned a council of war, in which Captain Bruce, the officer who commanded the storming party at the taking of Gualior, recommended, as the only possible means of preserving the army, to make that very night an attack upon the camp of Scindia. After some debate and hesitation, the resolution was adopted. At sun-set on the 24th, the army moved from their ground, and after a march of thirteen hours arrived at the camp. The surprise was, happily, complete; and all the terror and confusion ensued which usually result from a nocturnal assault unexpectedly falling upon a barbarian army. The enemy dispersed, and fled in disorder, leaving several guns and elephants, with a quantity of ammunition, in prize to the victor.

Colonel Muir was so retarded, by want of cattle for the conveyance of provisions, and by other difficulties,[1] that he arrived not at Antry till the 4th of April; and, as senior officer, upon joining Carnac, he

[1] "Difficulties beyond conception," they are called by Mr. Hastings. See his "Answer to the Fourteenth Charge."

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assumed the command. In order to overcome the backwardness of the Rana of Gohud, whom the apparent feebleness of the English led to temporize, and even to intrigue with Scindia, directions were given to place him in possession of the fort of Gualior, which had been professedly taken only for him. Though the English were now enabled to remain within the territory of Scindia, they were too feeble to undertake any active operations; and spent several months in vain endeavours to induce the Rana of Gohud, and the neighbouring chieftains, to yield them any efficient support. In the mean time the army of Scindia lay close to that of the English, which remained at Sissai, a place within the Mahratta dominions, several days' march beyond the frontiers of Gohud. The Mahratta horse daily harassed the camp, and cut off the supplies. And the troops were reduced to great distress, both by sickness and want of provisions.[1] Happily the resources of Scindia, too, were not difficult to exhaust; and he began seriously to desire an end of the contest. About the beginning of August, an overture was made, through the Rana of Gohud, which the English commander encouraged; and on the 16th of that month, an envoy from Scindia, with powers to treat, arrived in the English camp. Similar powers were transmitted to Colonel Muir. Negotiation commenced; and on the 13th of October a treaty was concluded. All the territory which the English had conquered on the further side of the Jumna was to be restored to Scindia: On the other part, Scindia was not to molest the chiefs who had assisted the English, or to claim any portion of the territory which the English had annexed to the dominions of the Rana of Gohud: It

[1] Mr. Hastings' Answer, before the House of Commons, on the Fourteenth Charge.

was also agreed, that Scindia should use his endeavours to effect a peace between the English and their enemies, Hyder Ali, and the Peshwa.[1]

During these proceedings the Governor-General and Council were involved in other affairs of no ordinary importance.

When the wisdom of parliament embraced the subject of the government of India, and by its grand legislative effort, in 1773, undertook to provide, as far as it was competent to provide, a remedy both for the evils which existed, and for those which might be foreseen, a Court of Judicature was created, to which the title of Supreme was annexed, and of which the powers, as well as the nomination of the judges, did not emanate from the Company, but immediately from the King. It was framed of a Chief Justice and three puisné Judges; and was empowered to administer in India all the departments of English law. It was a court of common law, and a court of equity; a court of oyer and terminer, and gaol delivery; an ecclesiastical court, and a court of admiralty. In civil cases, its jurisdiction extended to all claims against the Company, and against British subjects, and to all such claims of British subjects against the natives, as the party in the contract under dispute had agreed, in case of dispute, to submit to its decision. In affairs of penal law, its powers extended to British subjects, and to another class of persons, who were described, as all persons directly

[1] Hastings' Answer, ut supra; A retrospective View, and Consideration of India Affairs; particularly of the Transactions of the Mahratta War, from its commencement to the month of October, 1782, p. 72. The author of this short narrative has evidently enjoyed the advantage of access to the records of the Bombay government. Some particulars have been gleaned in the "Memoirs of the late War in Asia." See also the copy of the Treaty with Scindia, in the Collection of Treaties, with the Princes of Asia, printed by the E. I. C. in 1812, p. 97.

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1781. In the establishment of this tribunal, the British legislature performed one important act of legislative wisdom. They recognized, and by adopting they sanctioned, the principle, that to leave any part of the emoluments of judges, as so great a portion of them in England is left, to be made out of fees extracted from the suitors in their own courts, is an abuse; an infallible cause of the perversion of judicature. They enacted that a sufficient salary should be fixed for the judges; that no additional emolument, in the shape of fees, or in any other, should accrue from their judicial functions. A sure temptation to exert, for the multiplication of suits and of their expenses, the great powers of judges, was so far, accordingly, taken away; and that oppression which is inflicted upon the public by the unnecessary delay, vexation and expense of judicial proceedings, was in part deprived of its fundamental and most operative cause.[1]

On the principal ground, however, the parliament, as usual, trode nearly blindfold. They saw not, that they were establishing two independent and rival powers in India, that of the Supreme Council, and that of the Supreme Court; they drew no line to mark the boundary between them; and they foresaw not the consequences which followed, a series of encroachments and disputes, which unnerved the powers of government and threatened their destruction.[2]

[1] They created fee-fed offices, and had the patronage of them; this class of impure motives was not therefore destroyed.

[2] Mr. George Rous, Counsel to the East India Company, in the report which he made to the Directors upon the documents relative to this business submitted to him in 1780, says: "It is remarkable, that the judges on the one hand, and the Council on the other, were perfectly

The judges had not been long in the exercise of their functions, when the effects of their pretensions began to appear. The writs of the Supreme Court were issued at the suit of individuals against the Zemindars of the country, in ordinary actions of debt; the Zemindars were ordered to Calcutta to make appearance, taken into custody for contempt if they neglected the writ, or hurried from any distance to Calcutta, and, if unable to find bail, were buried in a loathsome dungeon.[1] In a minute of General Clavering, Colonel Monson, and Mr. Francis, dated the 11th of April, 1775, they declare that process of this description had been issued into every part of the provinces. " Zemindars," they add, " farmers, and other proprietors of the lands, have been seized upon their estates, and forcibly brought up to the Presidency, at the suit or complaint of other natives, and detained there, or obliged to give bail, according to the nature of the case." By these proceedings, the minds of the natives were thrown into the utmost consternation and alarm. They saw themselves surrounded with dangers of a terrible nature, from a new and mysterious source, the operations of which they were altogether unable to comprehend. The principles of English law were not only different, in many important respects, from those to which they had hitherto been indebted for the protection of every thing which

unanimous, in every measure taken throughout this unhappy contention. This fact will lead a candid mind to look for the source of this contention, not in the temper of individuals, but in the peculiarity of their situation. In no country of which I have read, did two powers, like these, ever subsist distinct and independent of each other." See Report of the Committee of the House of Commons in 1781, on the petitions relative to the administration of justice in India, of Touchet and others, of Hastings, and the other members of the Supreme Council, and of the East India Company, General Appendix, No. 39.

[1] See the description of the horrid gaol of Calcutta, in the First Report of the Select Committee in 1782; see also vol. iii. p. 149.

BOOK V. CHAP. 6. 1781. they held dear; but opposite and shocking to some of their strongest opinions and feelings. The language of that law; its studied intricacies and obscurities, which render it unintelligible to all Englishmen, who have not devoted a great part of their lives to the study of it; rendered it to the eye of the affrighted Indian, a black and portentous cloud, from which every terrific and destructive form might at each moment be expected to descend upon him. Whoever is qualified to estimate the facility and violence with which alarms are excited among a simple and ignorant people, and the utter confusion with which life to them appears to be overspread, when the series of customs and rules by which it was governed is threatened with subversion, may form an estimate of the terrors which agitated the natives of India, when the process of the Supreme Court began to operate extensively among them.

The evils, not of apprehension merely, but of actual suffering to which it exposed them, were deplorable. They were dragged from their families and affairs, with the frequent certainty of leaving them to disorder and ruin, any distance, even as great as 500 miles, either to give bail at Calcutta, a thing, which, if they were strangers, and the sum more than trifling, it was next to impossible they should have in their power; or to be consigned to prison for all the many months which the delays of English judicature might interpose, between this calamitous stage, and the final termination of the suit. Upon the affidavit, into the truth of which no inquiry whatsoever was made; upon the unquestioned affidavit of any person whatsoever; a person of credibility, or directly the reverse, no difference; that the individual prosecuted was within the jurisdiction of the court, the natives were seized, carried to Calcutta, and consigned to

prison, where, even if it was afterwards determined that they were not within the jurisdiction of the court, and of course that they had been unjustly prosecuted, they were liable to lie for several months, and whence they were dismissed totally without compensation. Instances occurred, in which defendants were brought from a distance to the Presidency, and when they declared their intention of pleading, that is, objecting, to the jurisdiction of the court, the prosecution was dropped; in which the prosecution was again renewed, the defendant again brought down to Calcutta, and again, upon his offering to plead, the prosecution was dropped. The very act of being seized was, in India, a circumstance of the deepest disgrace, and so degraded a man of any rank, that, under the Mahomedan government, it was never attempted, except in cases of the greatest delinquency.[1]

Not only the alarm which these proceedings diffused throughout the country, but the effects with which they threatened to strike the collection of the revenue, strongly excited the attention of the Company's servants and the members of their government. To draw from the ryots the duties or contributions which they owe, is well known to be a business of great detail and difficulty, requiring the strictest vigilance, and most minute and persevering applications. Any thing which strikes at the credit of the Zemindar, farmer, or other functionary, by whom this duty is performed, immediately increases the difficulty, by encouraging the ryot in the hope of defeating the demand by evasion, cunning, obstinacy or delay. The total absence of the functionary, called away to attend the proceedings of the Supreme Court,

[1] See the evidence of Mr. Ewan Law, Report of the Committee on Touchet's Petition, &c. p. 19.

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his forcible removal; or the ignominious seizure of his person, went far to suspend the collections within his district, and to cut off the source of those payments for which he was engaged to the Company.

It had been the immemorial practice in India, for that great branch of the government entrusted with the collection of the revenue, to exercise the department of jurisdiction which regarded the revenue, to decide in that field all matters of dispute, and to apply the coercive process which was usual for enforcing demands. These powers were now exercised by the Provincial Councils, and the courts established, by the name of Duannee Adaulut, under their authority. The mode of decision was summary, that is, expeditious, and unexpensive; and the mode of coercion was simple, and adapted to the habits and feelings of the people. One or more peons, a species of undisciplined soldiery, employed in the collections, was set over the defaulter, that is, repaired to his house, and there watched and restrained him, till the sum in demand was discharged. In a short time the Supreme Court began to interfere with these proceedings. The defaulters were made to understand by the attorneys, who had spread themselves pretty generally through the country, that if they would throw themselves upon the Supreme Court, they would obtain redress and protection. They were taught, as often as any coercive process was employed by the judges of revenue, to sue out a writ of Habeas Corpus in the Supreme Court; where it was held competent, and was in practice customary, for the judges to set them at liberty upon bail. This excited still more violently the apprehensions of the members of government, in regard to the collection of the revenue. As the disposition to withhold the payment is universal and unremitting in India, and never fails to lay hold

of every occasion which affords any chance either of delay, or evasion; they apprehended that such a resource, held up to the people, would breed a general tendency; and they concluded, with justice, that if, in the innumerable cases in which compulsion was necessary, it could only be exercised through the tedious, laborious, and expensive forms of English law, the realizing of a revenue in India was a thing altogether impossible.

While the Company exercised the office of Duan, in other words, that department of government which regarded the collection of the revenue, and in civil cases the administration of justice, they had been careful to keep up the appearance of the Nizamut, or remaining branch of the ancient government, in the person of the Nabob; and to him, the penal department of judicature, under the superintendance of the Naib Duan, or deputy Nabob, appointed by the Company, had in particular been entrusted. To this government of the Nabob; which, though totally dependent upon the servants of the Company, and subservient to their will, was yet the instrument of a great portion of all that security for order and protection which existed in the country; the Supreme Court declared, that they would pay no regard. In their representation, under date of the 15th of January, 1776, the Governor and Council complain to the Court of Directors, that Mr. Justice Hyde had declared publicly on the bench, "The act of parliament does not consider Mubaruck al Dowla as a sovereign prince: The jurisdiction of this court extends over all his dominions:" That Mr. Justice Le Maistre had said, "With regard to this phantom, this man of straw, Mubaruck al Dowla, it is an insult on the understanding of the Court, to have made the question of his sovereignty: But it comes from

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the Governor-General and Council: I have too much respect for that body to treat it ludicrously, and I confess I cannot consider it seriously:" And that the Chief Justice had treated the Nabob, "as a mere empty name, without any real right, or the exercise of any power whatsoever."

By these pretensions, the whole of that half of the powers of government which were exercised in the name of the Nabob, was taken away and abolished. By another set of pretensions, the same abolition was effected of the other half, which, in the character of Duan, were exercised in the name of the Company.

In the same address, the Governor-General and Council add the following statement: "Mr. Le Maistre, in his late charge to the grand jury, declares that a very erroneous opinion has been formed by the Governor-General and Council, distinguishing the situation of the East India Company, as Dewan, from the common condition of a trading company; he makes no scruple of avowing a decided opinion, that no true distinction, in reason, in law, or justice, can or ought to be made, between the East India Company as a trading company, and the East India Company as Dewan of these provinces. With respect to the management of the territorial revenue, he is pleased to declare, that the only true interpretation of the act of parliament is, that our management and government is not exclusive, but subject to the jurisdiction of the King's Court; and that it will be equally penal for the Company, or for those acting under them, to disobey the orders and mandatory process of the King's Court, in matters which merely concern the revenues, as in any other matter or thing whatsoever." The Governor and Council then declare; "By the several acts and declarations of the

judges, it is plain, that the Company's office of Dewan is annihilated; that the country government is subverted; and that any attempt on our part to exercise or support the powers of either, may involve us and our officers in the guilt and penalty of high treason; which Mr. Justice Le Maistre, in his charge, expressly holds out, *in terrorem*, to all the Company's servants and others, acting under our authority."

It would be difficult, in any age or country, to discover a parallel to the conduct, which this set of judges exhibited, on the present occasion. Their own powers, as it was impossible for them not distinctly to see, were totally inadequate to the government of the country; yet they proceeded, contrary to the declared, though badly expressed, intention of the legislature, to avail themselves of the hooks and handles,[1] which the ensnaring system of law, administered by them, afforded in such abundance, to draw within their pale the whole transactions of the country; not those of individuals only, but those also of the government. That this was to transfer the government into their hands is too obvious to require illustration. When a government is transferred from one to another set of hands, by a simple act of despotism, every branch of authority is directly supplied; the machine of government remains entire; and the

[1] The following is an amusing instance. The Provincial Council of Dacca, the grand administrative and judicative organ of government, for a great province, is thus treated: "Who are the Provincial Chief and Council of Dacca?....They are no *Corporation* in the eye of the law. ....The Chief and Provincial Council of Dacca is an ideal body....A man might as well say that he was commanded by the King of the Fairies, as by the Provincial Council of Dacca; because the law knows no such body." Argument and Judgment of Mr. Justice Le Maistre, on the return to Seroopchund's Habeas Corpus. Report, ut supra, General Appendix, No. 9. See for another specimen, equally beautiful, a few pages onwards, the maxim *Delegatus non potest delegare.*

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mischief may be small, or the advantage great. But when the wheels of government were threatened to be stopped by the technical forms of a court of English law; and when nothing but those forms and a set of men who could ostensibly perform nothing but through the medium of those forms and the pretence of administering justice, was provided to supply the place of the government which was destroyed, a total dissolution of the social order was the impending consequence. The system of English law was so incompatible with the habits, sentiments, and circumstances, of the people, that, if attempted to be forced even upon that part of the field of government which belonged to the administration of law, it would have sufficed to throw the country into the utmost disorder, would have subverted almost every existing right, would have filled the nation with terror and misery, and being, in such a situation, incapable of answering the purposes of law, would have left the country in a state hardly different from that, in which it would have been, under a total absence of law: But when the judges proceeded to apply these forms to the acts of government, the powers of administration were suspended; and nothing was provided to supply their place. Either with a blind ignorance of these consequences, which is almost incredible, unless from our experience of the narrowness which the mind contracts by habitual application to the practice of English law, and by habitual indulgence of the fancy that it is the perfection of reason; or, with a disregard of these consequences, for which nothing but a love of power too profligate to be stayed by any considerations of human happiness or misery is sufficient to account, the judges proceeded, with the apparent resolution of extending the juris-

diction of their court, and leaving as little as possible of the business of the country exempt from the exercise of their power.

To palliate the invasions which they made upon the field of government, they made use of this as an argument; that the great end of their institution was to protect the natives against the injustice and oppression of the Company's servants, and that without the powers which they assumed, it was impossible for them to render to humanity this eminent service. But to force upon the natives the miseries of English law, and to dissolve the bands of government, was to inflict upon the people far greater evils, than those from which they pretended to relieve them. If the end proposed by the legislature was really to protect the natives from the injustice of Englishmen, they made a very unskilful choice of the means.

The representations, upon this subject, which the Governor-General and Council transmitted to England, induced the Court of Directors, in the month of November, 1777, to lay a statement of the case before the Ministers of the Crown. The supposed dignity of a *King's Court*, as it inflated the pretensions of the Judges, who delighted in styling themselves King's Judges; contrasting the source of their own power with the inferior source from which the power of the Governor-General and Council was derived; so it imposed awe and irresolution upon the Court of Directors. They ventured not to originate any measure, for staying the unwarranted proceedings of the Supreme Court; and could think of no better expedient, than that of praying the ministry to perform this important service, in their behalf.

The Directors represented to the ministry, that the Zemindars, farmers, and other occupiers of land, against whom writs, at the suit of natives, had been

issued into all parts of the provinces, it was not the intention of the legislature to submit to the jurisdiction of the Supreme Court; that the proceedings, by which they were hurried to a great distance from their homes, their persons arrested, and a long confinement in the common gaol inflicted upon them, appeared to be replete with irregularity and injustice; that the parties are "sure to suffer every distress and oppression with which the attorneys of the court can easily contrive to harass and intimidate them," before the question whether they are subject or not to the jurisdiction of the court can be so much as broached; that, after pleading to the jurisdiction, they are sure of an adverse decision, "unless they are able to prove a negative; that is, unless a native of Bengal is able, from an act of parliament which the Governor-General and Council have declared liable to different constructions, to prove himself not subject to the jurisdiction of the Supreme Court;" that the consequences were in the highest degree alarming, as almost all the Zemindars in the country, standing in the same predicament, felt themselves exposed to the same dangers; as the disgust and hatred of the natives were excited by the violation of their customs and laws; and the collection of the revenue was impeded, and even threatened with suspension.

They represented also, That the Supreme Court, beside extending its jurisdiction to such *persons*, had extended it also to such *things*, as it was clearly the intention of the legislature to exempt from it: That these were "the ordering, management, and government of the territorial revenues," including the powers which that ordering and government required: That over this department, the whole Bench of Judges had declared their resolution to exercise a power, superior

to that of the Company: That, accordingly, the process of the ordinary Revenue Courts was opposed; persons whom they had confined being released by the Supreme Court; suits which were cognizable in none but the Revenue Courts being instituted and entertained in the Supreme Court; prosecutions being carried on by the Supreme Court against the Judges of the Revenue Courts, for acts done in the regular performance of the business of the Court; farmers of the revenue, who had fallen into arrear, refusing to obey the process of the Revenue Courts, and threatening the Judges with prosecution in the Supreme Court, if any coercive proceedings were employed: That in consequence of these acts, in some instances, the operation of the Dewanee Courts was suspended; in others, the very existence of them destroyed: And that the Governor-General and Council, in their capacity of a Court of Appeal or Sudder Dewanee Adaulut, were discouraged from the exercise of this important jurisdiction, under the apprehension that their powers might be disputed, and their decrees annulled.[1]

Under the third head of complaint, the Directors represented, That the Supreme Court had, on the pretext of requiring evidence, demanded the production in Court of papers liable to contain the most

[1] See vol. iii. p. 470, for the rank which was assigned to this, in the Catalogue of Provisions for giving to the people of India the benefits of law. From the first arrival of the Judges of the Supreme Court, the Court of Sudder Duannee Adaulut never acted; and for all that number of years, which intervened till a new regulation, nothing was provided to supply its place. A correspondence on the subject between the Council and the Supreme Court took place in the year 1775. The Court said, that the Council had a right to receive appeals in all cases in which the Provincial Councils had a *legal* jurisdiction. This the Council treated as a denial of any right at all: as the Court, by not telling what they meant by "legal," and reserving to themselves a right of deciding, without rule, on each case which occurred, had the power of deciding just as they pleased.

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secret transactions of the government; that the Secretary of the Council was served with the writ called a *sub pœna duces tecum*, and attending the Court without the papers was informed that he had brought upon himself all the damages of the suit; that upon his representing the impossibility of his producing in Court the records of the Council which the Council had forbidden to be so produced, he was ordered to declare which of the Members of the Council voted for the refusal of the papers, and which (if any) for the production; that upon his demurring to such a question a positive answer was demanded, and every Member of the Council who had concurred in the refusal was declared to be liable to an action; that the Council agreed to send such extracts as had a reference to the matter in dispute, but persisted in the refusal to exhibit their records; that of this species of demand various instances occurred; and that it was manifestly impossible for the Board to deliberate and act as a Council of State, and as the administrative organ of government, if publication of their minutes might at any time be called for, and if every Member was answerable, in an action of damages, for any measure in which he concurred, to as many persons as might think themselves aggrieved by it.

In the fourth place, the Directors represented, That the penal law of England was utterly repugnant to those laws and customs by which the people of India had been hitherto governed; that, nevertheless, Maha Rajah Nuncomar, a native of high rank in Bengal, was indicted, tried, convicted, and executed, for an offence, which was not capital by the laws of the country where the offence was committed; that if the Court was unable to mitigate the punishment, it might have deemed it prudent to use its

power of respiting the prisoner until the pleasure of the King was known; that this the Directors "conceived to be a matter of the most serious importance, and big with consequences the most alarming to the natives of India; that the Judges seemed to have laid it down as a general principle, in their proceedings against Nuncomar, that all the criminal law of England is in force, and binding, upon all the inhabitants within the circle of their jurisdiction in Bengal." The Directors, therefore, adjure the Minister to consider what will be the consequences, if this principle, and the example grounded upon it, were followed up with consistency. "Can it be just," they say, "or prudent, to introduce all the different species of felony created by what is called the *Black Act?*—or to involve, as what is called the *Coventry Act* involves, offences of different degrees in one common punishment?—or to introduce the endless and almost inexplicable distinctions by which certain acts are or are not burglary." They ask whether Indian offenders, of a certain description, were to be transported to his Majesty's colonies in America, or sent to work upon the river Thames? And whether every man convicted for the first time of bigamy, "which is allowed, protected, nay almost commanded by their law, should be burnt in the hand if he can read, and hanged if he cannot read?" "These," they add, "are only some of the consequences which we conceive must follow, if the criminal law of England be suffered to remain in force upon the natives of Bengal. If it were legal to try, to convict, and execute Nuncomar for *forgery*, on the Statute of George II., it must, as we conceive, be equally legal, to try, convict, and to punish the Subahdar of Bengal, and all his court, for *bigamy*, upon the statute of James I."

On the 2d of January, 1777, a suit was instituted

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before the Provincial Council at Patna, which afforded occasion to the Supreme Court of carrying the exertion of their powers to a height more extraordinary than they had before attempted. A person of some distinction and property, a native Mahomedan, died, leaving a widow, and a nephew, who for some time had lived with him, in the apparent capacity of his heir, and adopted son. The widow claimed the whole of the property, on the strength of a will, which she affirmed the husband had made in her favour. The nephew who disputed the will, both on the suspicion of forgery, and on the fact of the mental imbecility of his uncle for some time previous to his death, claimed in like manner the whole of the estate as adopted son and heir of the deceased.

For investigation of the causes the decision of which depended upon the principles of the Mussulman law, the Provincial Councils were assisted by native lawyers, by whose opinion in matters of law it was their duty to be guided. In the present instance, the Council of Patna deputed a Cauzee and two Muftees, by a precept, or perwannah, in the Persian language, directing them to take an account of the estate and effects of the deceased, and secure them against embezzlement; to inquire into the claims of the parties; to follow strictly the rules of Mahomedan law; and report to the Council their proceedings. In all this, nothing appeared which was not reasonable; and which was not according to the approved and established mode of procedure.

On the 20th of January, the Cauzee and Muftees, having finished the inquiry, delivered their report; in which, after a statement of the evidence adduced, they declare their opinion, that neither the widow, nor the nephew, had established their claims, and that the inheritance should be divided according to the prin-

ciples provided by the Mahomedan law for those cases in which a man dies without children and without a will; in other words, that it should be divided into four shares; of which one should be given to the widow; and three to the brother of the deceased, who was next of kin, and father of the nephew who claimed as adopted son. Upon a review of the proceedings of the native Judges, and a hearing of the parties, the Provincial Council confirmed the decree, and ordered the division of the inheritance to be carried into effect. They did more: As it appeared from the evidence that part of the effects of the deceased had been secreted by the widow before they could be secured by the Judges, and that both the will and another deed which she produced, were forged, they put her five principal agents under confinement, till they should account for the goods; and directed that they should be afterwards delivered to the Phousdary, to take their trial for forgery.

It is to be observed, that the widow had opposed all these proceedings from the beginning, not by course of law, but such irregular and violent acts, as suggested themselves to an angry and ignorant mind. When called upon by the Cauzee to appoint, in the usual manner, a vakeel, or representative, to act in her behalf, she positively refused; and when the Cauzee recommended to her a relative, who had lived in the house, was much in her confidence, and acted as her principal agent, she persisted in her refusal, but sent her seal, with a message that the Judges might appoint him if they pleased. Upon the arrival of the Cauzee and Muftees to carry the decree of the Council into execution, the widow resisted. The Cauzee and Muftees proceeded to enforce the orders under which they acted. The

widow, contrary to their request and remonstrances, left the house, and betook herself to an asylum of Fakeers, which was in the neighbourhood, carrying alone with her certain title deeds, and the female slaves. The Cauzee and Muftees divided the remaining effects, upon the valuation of appraisers mutually chosen by the parties, into four shares, of which the vakeel of the widow chose one for her, and the rest were set apart for the brother of the deceased. The widow refused to submit to the decision, or to accept of her share. She also refused to give up the title deeds, which he had carried away, or the female slaves. In consequence of this proceeding, a petition was presented to the Council, by the nephew, representing that she had not complied with the decree, but by absconding reflected, according to the Mahomedan ideas, disgrace upon the family, and praying that she might be compelled to deliver up the papers and slaves, and to return to the house, under his protection as representative of the heir. An order was directed by the Council to comply with this request. After some time another petition was presented by the nephew, complaining that the Cauzee and Muftees had not yet complied with the injunctions of the Board. Upon this the Council agreed, that the Cauzee should be reprimanded for his delay, and directed to proceed immediately in the execution of his orders. The Cauzee represented by memorial, that he had not only made frequent demands upon the widow, but had placed hircarrahs to watch her, and that in his opinion, that species of constraint, which was authorised by the Mussulman law, and customary in the country, namely restriction from all intercourse by a guard of soldiers, was necessary to be applied. The guard was ordered,

and continued for a space of six weeks. The widow still refused compliance; and at that time the guard was withdrawn.

The widow was advised to bring an action in the Supreme Court, against the nephew, the Cauzee, and Muftees, on the ground of their proceedings in the cause; and laid her damages at 600,000 sicca rupees, about 66,000*l.* The objection taken, on the part of the nephew, to the jurisdiction of the Court, the Judges overruled, on the pretence that every renter was a servant of the Company.[1] The justification set up for the Cauzee and Muftees was, that they had acted regularly, in their judicial capacity, in obedience to the lawful orders of their legal superiors; that the Provincial Councils were vested with a power of determining suits between the natives, with the advice and assistance of the native lawyers; that the established mode in which the Provincial Councils availed themselves of that advice and assistance was, by directing them to hear the parties, to collect the evidence, and to deliver in a report of the whole, comprehending their opinion of the decision which ought to be pronounced; which decision the Council, upon a review of the whole, or with the addition of such other inquiries as they might think the case required, affirmed, or altered, subject only to an appeal to the Governor and Council; and that a Judge acting in his judicial capacity could not be responsible in damages to those who might suffer by the execution of his decrees.

This defence, which to the eye of reason appears

[1] This decision greatly increased the alarm among the farmers and other landholders. In the province of Bahar they joined in a petition to the Governor and Council, praying for protection against the process of the Supreme Court, or if that could not be granted, for leave to relinquish their farms, that they might retire into another country. Report, ut supra, p. 8, Patna Appendix, No. 14.

1781. appropriate and irrefragable, the Court treated with the utmost contempt; and upon a ground which rouses surprise and indignation. A form of words, among the numerous loose expressions, which fall from the lips and pens of English lawyers, without any binding authority, or any defined and consistent application, occurred to the judges. This was the phrase, *Delegatus non potest delegare*, "he who is delegated cannot delegate." And upon this, and no other reason, so much as alleged, they decreed, that the Cauzee and Muftees, for acting regularly, acting as they were obliged to act, and had in fact been accustomed to act ever since the jurisdiction of the country had passed under English control, were liable to actions of damages at the suit of every person whom their proceedings displeased, that is, one at least of the parties in almost every cause. It would be absurd, to attempt, by illustration, to render more apparent the deformities of this proceeding. To quote a maxim of English law, though ever so high in authority, and invariable in its force, as a ground for committing in India a flagrant violation of natural equity, against persons who knew not the English law, nor owned its authority, was an act of chicane, which the history of judicial encroachments, rich as it is in examples of injustice, cannot frequently surpass. It is, however, a maxim, of which, even where admissible, the authority is so little determined, that, like many more, with which the appetite of judges for power is in England so quietly gratified, it has just as little weight or as much, as, in each particular instance, the judge may happen to please. And in a variety of remarkable cases, the established course of English law goes directly against it.[1]

[1] In Chancery for example; when cases are referred by the Chan-

Deciding, upon the strength of this assemblage of words, that the provincial council could not delegate any authority to the native magistrates, even as their agents; and hence that every thing which these assistant magistrates had performed was without authority, the Supreme Court thought proper to enter minutely and laboriously into the whole of the case, and, after voluminous proceedings, gave judgment against the defendants, damages 300,000 rupees, and costs 9208, amounting to the sum of about 35,000*l.*[1]

At the commencement of the suit a capias was granted with a bailable clause. A bailiff proceeded from Calcutta, and arrested at Patna the nephew, and also the Cauzee, as he was returning from his duty in one of the courts of justice. The bail demanded was 400,000 rupees, or about 44,000*l.* The Council of Patna, struck with consternation, at the probable effects of so extraordinary a procedure, upon the minds of the people, upon the authority of government, upon the collection of the revenue, and upon the administration of justice, which it threatened to stop, by deterring the native lawyers and judges from yielding their services, resolved, as the best expe-

cellor to the Master; when commissions are issued to examine witnesses, &c. in the common law courts, when cases are sent to arbitration, &c.

[1] In the judicial investigation, all the chicanery which two of its fruitful sources, the formalities about notice, and the rules of evidence, could supply, was played off, with decisive effect, upon the defendants. Mr. Rous, in his Report quoted above, says, "When they attempted to mitigate the damages, by showing the circumstances, they were embarrassed by the *defects of their notice*; afterwards by the rules of evidence. Particularly, they were not able to prove the personal delegation of an authority to act for her, by a woman of rank, who could not appear without disgrace; the public acts of her nearest relations in the house being rejected as no legal evidence of her consent. With this defect fell the whole of the exculpation. Lesser difficulties arose from *some* papers not being translated; *others* being fair copies, when the foul draughts were the originals." Patna App. No 39. The Patna Appendix is a rich mine of information respecting the beauties of English law.

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dient which the nature of the case afforded, to offer bail for the prisoners, who, after a confinement of some time in boats upon the river were enlarged. The Governor-General and Council, as soon as they were informed of these proceedings, resolved, "That as the defendants are prosecuted for a regular and legal act of government in the execution of a judicial decree (except one of them,[1] the plaintiff in the suit before the Dewanee Adaulut at Patna, whose arrest is not for any apparent cause) they be supported and indemnified by government from all consequences from which they can be legally indemnified."[2] Judgment being given, the defendants were put under a guard of Sepoys, that they might be conveyed to Calcutta to be surrendered. The Cauzee, an old man, who had been chief Cauzee of the province for many years, was unable to endure the vexation and fatigue; and he expired by the way. The rest were carried to Calcutta, and lodged in the common gaol, where they remained till relieved by the interference of the British parliament in 1781. By that authority a pecuniary compensation was awarded to them for their losses and hardships, and the Muftees were ordered to be not only reinstated in their former situation and condition, but to be elevated to the office of Mahomedan counsellors to the court and council of Patna.

The Supreme Court and the widow were not satisfied with these proceedings against the native magistrates: An action was also brought against Mr. Law, and two other members of the provincial council at

[1] i. e. the nephew.

[2] The Governor-General, though, in his opinion, the examination of witnesses was a part of the procedure which the Council should not have delegated, not only affirmed the power of delegation, but his conviction of the justice of the decision to which, in this case, the Council had come. See his letter to Mr. Law, Patna App. No. 7.

Patna. As this prosecution was instituted for official acts performed in the Company's service, the Governor-General and Council thought it fit that the Company should bear the burden of their defence. Here too the court decided in favour of the party who brought it jurisdiction; and awarded damages to the amount of 15,000 rupees; which money was paid from the Company's treasury.

It was in this manner that a thirst for jurisdiction incited the English judges to interfere with the administration of justice in the native *civil* courts. The following is the manner in which it induced them to interfere with the jurisdiction of the native *criminal* courts. From a former statement it will be recollected, that the system of criminal judicature among the natives had been left by the Company nearly upon the footing, on which they found it, and on which it had long been established in the country. It was a branch of authority which was reserved to the Nabob in his character of Nazim. The judges of the courts (they were known by the name of Phousdary Courts) were appointed by the Naib Subah, or Nabob's deputy, by whom their proceedings were reviewed and controled. They were entirely independent of all other authority; and it does appear that, considered as Indian, justice was administered in them without any peculiar strain of abuse. About the middle of the year 1777, an attorney of the Supreme Court, took up his residence at Dacca. In the month of September of that year this attorney proceeded to execute a process of arrest, issued by one of the judges of the Supreme Court, against the Duan, or principal public officer of the Phousdary Court at Dacca. The process was issued at the suit of a man of the low rank of a *pyke*, or messenger, who had been prosecuted in the Phousdary Court for

a misdemeanour, convicted, and confined till he made restitution. The action was brought against the principal officer of the court, for trespass and false imprisonment, in the execution of this decree. A native, employed by the attorney as a bailiff, who proceeded to the house of the Phousdar, or chief criminal judge, entered the hall of audience, in which the Phousdar was sitting with several of his friends and the principal officers of his court; and attempted, in a violent and disrespectful manner, to seize the person of his Duan, or principal agent. It is to be observed, that, in India, a man considers an indignity offered to his servants, as in reality offered to himself. No writ or warrant, it was affirmed, was produced by the bailiff; and he was not allowed to perform the arrest. Upon this the attorney proceeded to the house of the Phousdar in person, accompanied by a crowd of attendants; and entered it in a forcible manner, by breaking down the gate. To see violated the sanctuary of his house, the mysterious repository of his wives, is a disgrace to a Mussulman more dreadful than death. The reserve of Eastern manners, and the respect bestowed upon the very walls which contain the sacred deposit of the master, render the forcible entrance of a house an event which occurs only in the exercise of the most violent hostility. It is one of the last outrages which may be expected at the hands of an implacable foe. When the Phousdar of Dacca, therefore, beheld his gate broken down, and an irregular crowd of men bursting into his house, the greatest calamity which could befall him rushed naturally upon his apprehension; and he proceeded to repel a danger, which every honourable Mussulman would resist at the expense of his life. An affray arose in the court of the house. The father of the Phousdar received a wound in the head,

from a sword, by an attendant of the attorney; and the brother-in-law of the Phousdar was dangerously wounded in the body, with a pistol-shot by the attorney himself.

Mr. Justice Hyde, one of the judges of the Supreme Court, wrote, after hearing of these facts, to the military officer upon the spot, instructing him to afford assistance to the attorney; and adds, "I beg the favour of you, for fear my letters to him should not be suffered to come safe, to tell him, that I highly approve his conduct, and doubt not that he will receive proper support from the court whose officer he is."[1]

It is unnecessary in this case any further to pursue the proceedings of the attorney or his court. The Provincial Council gave bail for the Duan; transmitted to the Governor-General and Council an account of the facts; and they concluded their letter in the following words: "It is fitting we should point out to your notice, that all criminal justice is at a stand, and seems not likely to be resumed, until the decisive consequences of the present disputes shall be publicly declared and known. It touches to the very existence of government throughout the province, that the jurisdiction of the Phousdar, and his superior, the Naib Subah, be admitted; free from all doubt or ambiguity. How, otherwise, can it be supposed, a Phousdar will perform any function of his office? How presume to execute a criminal convicted, and sentenced to death by the established laws of the government and his religion, if he is liable himself to stand to actions of damages, or to answer to a criminal accusation, according to the laws of England, for any punishment he may inflict? Paint to your-

[1] Report, ut supra, p. 24.

BOOK V. CHAP. 6. 1781. selves, gentlemen, the anarchy and distraction which may arise, if the present uncertainties are not effectually removed?"

In England, one of the notions which judges, and other lawyers, are in a most particular manner eager to stamp upon the public mind is, That the administration of justice is to a most astonishing degree sensitive and delicate: That the acts and character of judges should be treated with exquisite, indeed a religious, respect: That they can hardly bear to be exposed to criticism, or blame, in the slightest degree: And that, if the criticism is to any considerable degree searching and severe, it ought to be repressed and punished, however just, with terrifying penalties. This doctrine, which is so very palatable to the judges in England, and so very favourable to all the abuses of their power, we see in what respect they themselves retain, when their power may be enlarged, by trampling upon it in the dust, by annihilating the power and the dignity of the whole order of judges by whom law was administered to a great people.

These are specimens of the manner in which the Supreme Court in India attempted to carry their pretensions into effect. And specimens are all which here it is possible to adduce. A summary of the principal instances in one department, I am happy to be able to present in the words of Mr. Rous, the great law officer of the Company themselves. "Persons confined by the courts of Dewanee Adaulut are collusively arrested by process from Calcutta, or removed by *Habeas Corpus*, where the language is as unknown as the power of the court. The process is abused to terrify the people; frequent arrests made for the sáme cause; and there is an instance of the purchaser of a Zemindary near Dacca, who was

ruined by suits commenced by paupers, suits derived from claims prior to his purchase, and who was at last condemned in considerable damages for an ordinary act of authority in his station. Hence the natives of all ranks become fearful to act in the collection of the revenues. The renters, and even hereditary Zemindars, are drawn away, or arrested at the time of the collections, and the crops embezzled. If a farm is sold, on default of payment, the new farmer is sued, ruined, and disgraced. Ejectments are brought, for land decreed in the Dewanee Adaulut. A Talookdar is ruined by the expense of pleading to the jurisdiction, though he prevails. And, in an action, where 400 rupees were recovered, the costs exceeded 1600 rupees. When to these abuses, incident to the institution of the court itself, and derived from distance, and the invincible ignorance of the natives respecting the laws and practice of the court, we add the disgrace brought on the higher orders, it will not, perhaps, be rash to affirm, that confusion in the provinces, and a prodigious loss of revenue, must be the inevitable consequences of upholding this jurisdiction. The Zemindar of Duckensavagepore, upon pretence that he had been arrested, and afterwards rescued, has his house broke open, and even the apartments of his women rudely violated. Another Zemindar surrenders himself to prison, to avoid the like disgrace to his family."

"We have seen with astonishment," say the Governor-General and Council, "process of contempt ordered in one instance, and civil process issue in another, against the Naib Nazim of these provinces residing at Moorshedabad, a party not owing allegiance to the King, nor obedience to his laws; deriving no benefit or security whatever, in life or member, in fame, liberty, or fortune, from the admi-

BOOK V. CHAP. 6. 1781. nistration of justice under the authority of these laws; a party, it is worth attention, who is the chief magistrate of criminal jurisdiction throughout the provinces, and in whose jurisdiction in matters of criminal cognizance the judges have not only at all times acquiesced, but in a particular instance have actually resorted to it, in aid and exoneration of themselves." [1]

At length a case arose, in which the disputes between the executive and judicial powers reached a crisis. Upon the 13th of August, 1779, a suit was commenced in the Supreme Court, against the Rajah of Cossijurah, by Cossinaut Baboo, his agent at Calcutta. Upon the affidavit of Cossinaut, a capias was ordered to issue, in which bail to the amount of 35,000*l.* was allowed to be taken. The Rajah absconded, to avoid the execution of the writ, and was unable to fulfil his duty, as Zemindar, in the government of the country, and the collection of its revenues. The writ of capias having been returned as unexecuted, on account of the concealment of the Zemindar, another writ was issued to sequester his land and effects. For the execution of this writ, the Sheriff dispatched to Cossijurah an armed force, consisting of sixty men, headed by a serjeant of the court. It was represented by the Rajah, that they entered the house, and endeavoured to pass into the Zenana, or women's apartment; that of the servants of the Rajah, who attempted to prevent the dishonour of their master, several were beaten and wounded; that the party then broke open and forcibly entered his Zenana, and plundered his effects; that they committed outrages upon his place of reli-

[1] See a very important Letter from the Governor-General and Council to the Court of Directors, dated Fort William, 25th January, 1780, Report, ut supra, General Appendix, No. 13.

gious worship, and stript it of its ornaments; and that a stop was put to the collections, and the farmers prohibited from paying him their rents.

Upon the first intimation of this procedure, the Governor-General and Council, by the advice of the Advocate-General, had come to the resolution of instructing the Rajah not to recognise the authority of the court, or to pay obedience to its process; and orders were sent to the officer commanding the troops at Midnapore, to intercept the party of the Sheriff, and detain them in his custody till further orders. The orders arrived too late to prevent the outrage committed upon the house of the Rajah; but afterwards the whole of the party were seized.[1]

Affairs having come to this extremity, the Governor-General and Council issued a notification, to all Zemindars, Choudries, and Talookdars, in the three provinces, that, except in the two cases of being British servants, or bound by their own agreement, they were not to consider themselves as subject to the jurisdiction of the Supreme Court, or to obey its process; and the provincial chiefs were forbidden to lend a military force to aid the Court in carrying its mandates into effect.

A rule was granted by the Supreme Court to show cause why an attachment should not issue against the Company's attorney and the officers who were immediately instrumental in seizing the Sheriff's officers and their attendants at Cossijurah. The officers were instructed, by the Governor-General and Council to resist the execution of any writ, which had a reference to acts done in obedience to their orders in seizing the persons in question. But the

[1] The substance of this is not denied by the Chief Justice. He only dwells upon the resistance which was offered. See his Letter to Lord Weymouth, Cossijurah Appendix, No. 26.

BOOK V. CHAP. 6. 1781. attorney was committed to the common gaol of Calcutta for contempt, and a criminal prosecution carried on against him. Upon this, even Mr. Rous remarks,[1] "I am sorry to observe, that the judges, at this period, seemed to have lost all temper, particularly in the severe and unexampled manner of confining Mr. Nayler, attorney to the Company, who merely procured information from the office of the number of men employed by the Sheriff, and once gave directions to the vakeel of the Zemindar to withhold his warrant of attorney;—both, acts done in obedience to the Governor-General and Council."

The Governor-General and Council themselves were at last individually served with a summons from the Supreme Court of Judicature, to answer to Cossinaut Baboo, in a plea of trespass; but finding that the suit was brought against them for acts done in their collective capacity, as the governing organ of the country, they delivered, by the Company's counsel, a declaration, that they would submit to no proceeding of the Court, in any prosecution against them as individuals, for acts done by them as Governor-General and Council; acts to which the jurisdiction of the Court did not extend.

These proceedings were not brought to this stage, before the middle of March, 1780; and in the mean time a petition to parliament had been prepared and signed, by the principal British inhabitants in Bengal, against the exercise which the Supreme Court of Judicature made of their power; and this, together with a petition from the Governor-General, and members of the Supreme Council, and also a petition from the Company itself, was presented in 1780, and referred to the Select Committee, which afterwards

[1] Report of Mr. Rous, ut supra.

reported at such length on Indian affairs. In defence of the Supreme Court, the only matter which appears, with the exception of the speeches of the Judges in Court, which refer only to the grounds of their proceedings in special cases, is contained in three letters of the Chief Justice, addressed to Lord Viscount Weymouth, Secretary of State; one dated the 26th of March, 1779, and the other two dated the 2d and 12th of March, 1780. In vindication of the attempt to force the jurisdiction of the Court upon the Zemindars, it is affirmed that although, as Zemindars, they are not subject to that jurisdiction, yet, as renters and collectors of the revenue, they are included in the description of servants of the Company. And it cannot be denied that the vague and inaccurate phraseology of the act, a species of phraseology which forms so remarkable a characteristic of the language of English law and is the source of so many evils, did leave open a door to the dispute, and to all the mischief which it produced, and which it threatened to produce; though it is clear as day, from the general import of the act, that no such jurisdiction was *intended* to be given. To the allegation of the mischievous consequences which would ensue, and which were proved to be so extensive and alarming, the Chief Justice offers no reply. If there is a verbal, or technical reason, to justify the exercise of his power, the consequences, in regard to the happiness or misery of others, are what, from his habits, must to an English Judge appear, in general, as in the present case, very much a matter of indifference. To the accusation of interfering with the administration of criminal justice in the native courts, over which the Supreme Court had undeniably no control, the only defence which is offered by the Chief Justice is, that in those tribunals justice was administered very ill. It is, however,

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abundantly certain, that totally to destroy those tribunals by prosecuting the Judges in the Supreme Court, when, having destroyed them, it was impossible for that Court to substitute any thing in their room, was not the way to improve the administration of justice. If those native Courts were susceptible of reform, as most assuredly they were, though, considering the state of society and the former experience of the people, there was at this particular period some ground for praise as well as for blame, it would have been a fit and noble exercise for the mind of the Chief Justice and his brethren, to have formed an excellent plan for the administration of justice among the natives, and to have recommended it with all the weight of their authority to parliament and the Company.

The motive, in this case, which guided to so desperate a line of conduct cannot be mistaken, and ought not with hypocrisy to be disguised. It was not any conception of good; it was not ignorance of the evil; for it was too obvious to be misunderstood. It was the appetite for power, and the appetite for profit: The power sufficiently visible and extraordinary; the profit more concealed: Nor can the pleasure of exercising unbounded sway, through the forms of administering law, be justly regarded as a feeble inducement. We see what, in this instance, it was capable of producing: And a faithful history of the law of England would exhibit no less wonderful proofs, in the misery which it has brought, and still obstinately binds, upon the people of England. Of this important inlet of evil, with which the British legislature ought to have been well acquainted, they appear, in framing the act for the administration of justice in India, to have had no remembrance or regard. And even when they set that important example of cutting off the direct profit of the Judges

in the plunder of the suitors, by depriving them of all *direct* share in the fees; they did not cut off an indirect profit of no trifling importance, by allowing them to create offices, with emoluments derived from fees; offices of which they enjoyed the patronage, itself a valuable power, and of which they could not fail to discover various ways of disposing for their own advantage. They still, therefore, retained an interest, and a very distinct and operative interest, in the amount of the fees which might be gathered in the Court; and the candour is amusing with which the Chief Justice bewails the decline of those profits, as one of the principal evils, if not the only evil, for he scarcely specifies another, which sprang from the measures taken to circumscribe the jurisdiction of the Court. "But one term," he says, "has intervened, and the business of the Court, as I estimate, has fallen off near one third, and in a term or two, when the causes already commenced are got rid of, I expect it will be reduced to the trial of a few causes arising in Calcutta. The advocates, attorneys, and officers of the Court, who have not already succeeded, will be reduced to a most deplorable situation. The attorneys have petitioned us, that on account of the difficulty of their procuring subsistence in the present state of things, their numbers may not be increased by new admissions: Though persons may come from England so qualified and recommended, that we may not be able to comply with this requisition, yet I really apprehend we shall do them little service by admitting them; for, it seems to me, it will be only to give them the privilege of starving in company with the present attorneys."[1] That there might be great abundance

[1] Report, ut supra, Letter from Sir Elijah Impey to Lord Weymouth, 2d March, 1780.

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of advocates and attorneys, and that they, and the officers, in regard to whom the Court possessed the patronage, might be richly rewarded, appeared to the Chief Justice a sufficient reason why his court should retain a jurisdiction ruinous to the country. One of the surest effects of an excellent administration of justice, the diminution of the number of law-suits, that is, the diminution of the business of the Courts; an effect which, if produced by the proper cause, is so highly to be desired, is here set down by the judge as one of the greatest of evils. It is no wonder. It was an effect, directly contrary to his profit and power. And it may with assurance be expected, that judges, who enjoy the profits of a defective and vitious system of law, will regard as an evil whatever has any tendency to lessen those profits; that is, any tendency to purify the law of its profitable defects.[1]

At this stage of the discussions, respecting the administration of justice, a considerable alteration in the constitution of the tribunals, in the civil department of the native law, was brought forward by the

[1] Some opinion may be formed of the sort of faith with which the defence of the Judge was drawn up, by the misrepresentation which he made of facts. He thus describes the circumstances of the Patna case. "A widow of an Omrah of the empire, to whom her husband had, by deeds executed in his life time, given personal effects to the value of some lacs of rupees, and a considerable landed property, was, under pretence that the deeds had been forged, though proof was made to the contrary, plundered and stript of the whole estate, turned out without bed or covering into the public streets, compelled to take refuge in a monument inhabited by fakeers, and to depend upon their charity for subsistence, &c.......This action was likewise brought against *Black Agents*, whom the Council at Patna had, contrary to their original institution, empowered to hear and determine a petition," &c. Ibid. Letter from Sir E. Impey to Lord Weymouth, 26th March, 1779. "*Black Agents*"— this is the *appropriate* name he bestows on the Magistrates and Judges of the highest respectability in the country. "*Hear and determine;*"— this is what he affirms, though he knew that they only collected evidence and reported.

Governor-General, and adopted by the Council. According to the regulations of 1773, this department was wholly administered by the Provincial Councils, sitting as Duannee Adaulut, or Court of Civil Judicature.[1] It was now, on the 11th of April, 1780, arranged, that the business of these Courts should be divided into two parts; that which peculiarly concerned the revenue; and that which peculiarly concerned individuals. A separate court, styled Duannee Adaulut, was established for the cognizance of such disputes as arose between individuals: All such disputes as respected the revenue continued subject exclusively to the jurisdiction of the Provincial Councils. The new tribunals were severally composed of one covenanted servant of the Company, who was not a member of the Provincial Council, nor dependent upon it; and denominated superintendant of the Duannee Adaulut. The reason adduced for this alteration was, to exonerate the Provincial Councils from part of their burthen, and afforded them more time for attending to the important business of the revenue.

About the same time, an expedient, of which the foregoing alteration was probably contrived as a subsidiary portion, suggested itself to the mind of the Governor-General, for neutralizing the animosities which prevailed between the Sovereign Council and the Supreme Court; and thereby for terminating their disputes. He devised the plan of creating a Court for the Chief Justice, with a large allowance both of power and emolument, dependant on the pleasure of the executive power. The scheme was conducted in the following manner. Along with the establishment of the Provincial Duannee Adauluts in 1773, had been appointed a Sudder Duannee Adaulut at the Presidency, the object of which was

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to receive appeals from the Provincial Adaululs. The Sudder Duannee Adaulut was to consist of the Governor-General and Council in person; but up to this time they had not so much as entered upon the discharge of the functions of this Court; although the Governor-General declared, and the declaration ought not to pass without remark, that, if one half of the time of the Council were devoted to this Court, its important duties could not be adequately discharged.[1] If a judicial function of the highest importance, for which there was so extensive a demand, was left for seven years totally undischarged, what an opinion is it proper we should form of the situation of justice during all that time? And what opinion are we to form of a Governor-General and Council, who let justice remain in that situation? If they had time for the duties of the office (and few of the duties of government could be more important), they were inexcusable for not applying it; if they had not time, they were inexcusable for not devising and executing another plan.

In consultation on the 22d of September, 1780, the Governor-General introduced a minute, in which he stated, that the arrangement, established a few months before, respecting the Courts of civil law, had produced not the most desirable effects, but a great deal of inconvenience. "The institution," he said, "of the new Courts of Duannee Adaulut, has already given occasion to very troublesome and alarming competition between them and the Provincial Councils, and too much waste of time at this Board." He represented it as the business of the Sudder Duannee Adaulut, not only to receive appeals from these

[1] Governor-General's Minute in consultation, 29th September, 1780; See First Report of the Select Committee, 1782, Appendix, No. 3.

Courts, but to superintend their conduct, revise their proceedings, remedy their defects; and, generally, to form such new regulations and checks, as experience shall prove to be necessary to the purpose of their institution." He affirmed, that it was impossible for the Council of Government to spare time from its other functions for this important duty; and thus made two declarations: one, that respecting the disorders of the new Duannee Adauluts; another, this respecting the Court of Appeal: and both expressive of the miserable foresight, which attended his own attempts at legislation. He therefore proposed, That the constitution of the Sudder Duannee Adaulut should be totally changed: That it should not consist of the Governor-General and Council: But that the Chief Justice of the Supreme Court of Judicature should be vested with all its powers. A large salary was intended to be annexed to the office: but that, for politic reasons, was not as yet proposed. And it was expressly regulated, that the Chief Justice should enjoy the office and the salary, during the pleasure of the Governor-General and Council. The happy effects, which the Governor-General represented as about to flow from this arrangement, were these; That when the Chief Justice possessed the superintendence of the Duannee Adauluts, that is, obtained the choice portion of their power, the Supreme Court would no longer interfere in their jurisdiction; that when the Chief Justice obtained this addition of power, with the large salary which would attend it, and held them both at the pleasure of the Council, it "would prove an instrument of conciliation between the Council and the Court," and prevent "those dangerous consequences to the peace and resources of the government, which every member of the Board," he said, "foreboded from the contest in

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which they had been unfortunately engaged with the Court." The imputation which was essentially involved in this proposition, and which the Governor-General cast upon the Chief Justice, was the most dishonourable, that ever was thrown upon the character of the most infamous of men. The Chief Justice, in extending so vehemently the jurisdiction of the Supreme Court, had affirmed, That it was an imperious sense of duty which thus constrained him to act; That by the King, whose servant he was, and the act of parliament which constituted the Court over which he was placed, the boundaries of his jurisdiction, that is, of his sacred duties, were assigned and marked out; That from these duties it was not optional for him to recede; That the Judges of the Supreme Court of Judicature were strictly bound to occupy every portion of the field allotted to them; And could not abandon any part of it, either from respect for the Governor-General and Council, or on account of any contingent effects which the discharge of their imperative duties might be supposed to produce. Yet, what did the proposition of the Governor-General to the Council infer? That if they gave to the Chief Justice a sufficient quantity of power, and of money, dependent upon their will, the Chief Justice would confine the pretensions of the Supreme Court within any limits which they might wish to impose. It might naturally have been objected; that to such a proposition the Chief Justice would never consent. But Mr. Hastings, it would appear, was better acquainted with the circumstances of the case: For the Chief Justice immediately discovered, that infinite advantages would arise from the plan. The proposition was, indeed, opposed, with strong arguments, by Mr. Francis and Mr. Wheler. They insisted, that if the Duannee Adauluts were defective institutions,

this was not the proper course for their amendment; that, if the authority of the Governor-General and Council, under which they acted, was doubtful, resting, as Mr. Hastings, to recommend his measure, had asserted, on the disputed construction of an act of parliament, the authority of the Council to make the Chief Justice of the Supreme Court Judge of the Sudder Duannee Adaulut could not be less than equally doubtful, and the Chief Justice, by accepting the office, would acknowledge their authority, and disclaim the construction which hitherto he had put upon the act; that to accept a new office, with new emoluments, and those dependent upon the pleasure of the Company, seemed inconsistent with the act which had expressly assigned him a large salary, in lieu of all other emoluments; that the duties of the one office were inconsistent with those of the other; especially if the doctrine of the Chief Justice himself were sound, that the Judges of the Adauluts might be sued for damages; because he might thus have to answer, in his own Court, for the acts which he had performed as Judge of Sudder Adaulut; that if the jurisdiction of the Sudder Adaulut would occupy one half of the time of the Council, so it would that of the Chief Justice, whose time was already so much engrossed, that he could not join with his colleagues in performing the important office of a Justice of the Peace for the city and district of Calcutta; that the present exhausted state of the Company's finances did not justify them in creating a new office to which large appointments were annexed; that the power which would thus be wielded by the Chief Justice would "too much hide the government from the eyes of the natives;" and that, if the attorneys and forms of the Supreme Court were in any degree introduced into the business of the Duannee, "a new and a wide

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It was on the 24th of October resolved, by a majority of the Council, that the Chief Justice should be requested to accept of the office of judge of the Sudder Duannee Adaulut; and at the same time proposed, that 60,000 sicca rupees per annum, nearly seven thousand pounds, should be annexed to the office, under the title of salary, and 7,200 sicca rupees, upwards of eight hundred pounds, under the denomination of rent for an office. The assent of the Chief Justice, and his appointment to the office, immediately ensued.

When intelligence of the reconciliation between the governing Council and the Supreme Court, effected by the appointment of Sir Elijah Impey, with a large salary, to the station of Judge of Appeal from the Duannee Adauluts, was brought to the Court of Directors, the case appeared to them of so much importance, as to require the highest legal advice; and it was laid before the Attorney and Solicitor General, Mr. Dunning, and their own counsel, Mr. Rous. It is a fact, more full of meaning perhaps, when applied to the character of the pro-

fession, than of the individuals, that an opinion, in the following words—"The appointment of the Chief Justice to the office of Judge of the Sudder Dewannee Adaulut, and giving him a salary for the latter office, besides what he is entitled to as Chief Justice, does not appear to us to be illegal, either as being contrary to the 13 Geo. III, or *incompatible with his duty as Chief Justice*; nor do we see any thing in the late act, 21 Geo. III, which affects the question"—was signed by the names, J. Dunning, Jas. Wallace, J. Mansfield. The opinion of Mr. Rous, the counsel of the Company, was different, as had been that of their Advocate-General in India; and Mansfield, a few days afterwards, stated, in a short note to the Directors, that doubts had arisen in his mind, whether the acceptance of a salary, to be held at the pleasure of the Company or their servants, was not forbidden by the spirit of the act, or at any rate the reason of the case. He concluded in these words, "I have not been able to get the better of these doubts, although I have been very desirous of doing it, from the great respect I have for the opinions of those gentlemen with whom I lately concurred, and whose judgment ought to have much more weight and authority than mine."

The question was taken under consideration of the Select Committee of the House of Commons; who treated it, under the guidance of other feelings and other ideas. In their report, the power conferred upon Sir Elijah Impey in his new capacity was represented as exorbitant and dangerous; and so much the more so, that no regular definition of it was any where to be found; no distinct rule of law was any where pointed out; but he was to be guided by his own will; he was to be moderated by no check; he

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was to be restrained by no appeal; and he was to decide upon the fortunes of all the natives of Bengal. He was provided not only with judicial but legislative powers, being authorised to make rules and regulations, that is, to lay down laws, for governing the civil jurisdiction of the country. And all this power was conferred upon a man, who, in the opinion of Mr. Hastings at least, had been distinguished by no disposition to make a moderate use of his power. The grounds of expediency and policy, on which, ostensibly, the measure was put, were treated as having been already proved to be frivolous and weak, by the arguments of Mr. Francis and Mr. Wheler, to which no answer had ever been made. "The idea," it was affirmed, "of establishing peace upon the ground of adverse claims still unrelaxed, and which nothing even appears to reconcile but the lucrative office given to the Chief Justice, can be maintained but upon suppositions highly dishonourable to the public justice, and to the executive administration of Bengal." One of the most important features of the case was then held up to view: Mr. Hastings, it was remarked, assumed, and he was well acquainted with the circumstances of the case, in the whole course of his reasoning, that in substance and effect the Chief Justice was the whole of the Supreme Court: By selling his independence to the Governor-General and Council, the Chief Justice, therefore, sold the administration of justice, over every class of the inhabitants of Bengal. "By the dependance of one tribunal," says the report, "both are rendered dependant; both are vitiated, so far as a place of great power, influence, and patronage, with near eight thousand pounds a year of emoluments, held at the pleasure of the giver, can be supposed to operate on

gratitude, interest, and fear. The power of the Governor-General over the whole royal and municipal justice in Bengal, Bahar, and Orissa, is as absolute and uncontrollable, as both those branches of justice are over the whole kingdom of Bengal."

An observation of the Committee is subjoined, to which the highest degree of importance belongs. It is founded upon the grand fundamental truth, That nothing is more favourable to the augmentation and corruption of the executive power, than the faculty of doing, through the medium of the courts of law, things which would awaken suspicion or hatred, if done by the executive itself.

In the situation in which the dependance of the Chief Justice has placed Mr. "Hastings, he is enabled," say the Committee, "to do things, under the name and appearance of a legal court, which he would not presume to do in his own person. The refractory to his will may appear as victims to the law; and favoured delinquency may not appear, as protected by the hand of power, but cleared by the decision of a competent judge." When a nation is habituated, even as much as our own is habituated, to pay a blind and undistinguishing respect to the character and acts of judges; the subservience of the courts of law is an instrument of power, of portentous magnitude.

The consequence of the discussion which these transactions underwent, and of the sensations which they produced in the nation, was an act of parliament to regulate anew the Supreme Court of Judicature, and deprive it of the powers which had been found destructive: And, upon a change of ministry, an address to the King was voted by the House of Commons, on the 3d of May, 1782, for the recall of Sir Elijah Impey, to answer to the charge of having

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"accepted an office not agreeable to the true intent and meaning of the act 13 Geo. III."[1]

1781. Soon after his appointment to the office of Judge of Sudder Duannee Adaulut, thirteen articles of regulation for the practice of that Court and of the subordinate tribunals were recommended by the Judge, approved by the government, and adopted. With these were incorporated various additions and amendments, which were afterwards published in a revised code, comprising ninety-five articles. The number of provincial Duannee Adauluts was, in April, 1781, increased from six to eighteen, in consequence of the inconvenience experienced from the extent of their jurisdiction.

As the establishment of the police magistrates, called foujdars and tannadars, introduced in 1774, followed the example of so many of the contrivances adopted in the government of India; that is, did not answer the end for which it was designed, the judges of Duannee Adaulut were vested with power of apprehending depredators and delinquents, within the bounds of their jurisdiction, but not of trying or punishing them; a power which was still reserved to the Nizamut Adauluts, acting in the name of the Nabob. The Governor-General and Council also reserved a power of authorizing, in cases in which they might deem it expedient, the Zemindars to ex-

[1] For these important proceedings, the Report of the Committee of the House of Commons, to which the petitions respecting the administration of justice in Bengal were referred; and the First Report of the Select Committee of 1781, with the ample documents contained in their voluminous appendixes, have been laboriously consulted. See also The Speech of Sir Elijah Impey delivered at the bar of the House of Commons on the 4th day of February, 1788, with the documents printed in the Appendix; though this defence refers almost solely to the conduct of the Chief Justice in the trial and execution of Nuncomar. See also Colebrooke's Supplement, p. 14, 23, 128; and the Fifth Report from the Select Committee on India affairs, in 1810, p. 8 and 9.

ercise such part of the police jurisdiction as they had formerly exercised under the Mogul administration. And in order to afford the government some oversight and control over the penal jurisdiction of the country, a new office was established at the Presidency, under the immediate superintendence of the Governor-General. To this office, reports of proceedings, with lists of commitments and convictions, were to be transmitted every month; and an officer, under the Governor-General, with the title of *Remembrancer of the Criminal Courts,* was appointed for the transaction of its affairs. In November, 1782, in consequence of commands from the Court of Directors, the jurisdiction of the Sudder Duannee Adaulut was resumed by the Governor-General and Council.[1]

Upon these changes, in the judicial, followed close another change in the revenue system. In 1773 the plan had been adopted of performing the collection of the revenues by means of provincial Councils; but under the declared intention of its being only temporary, and preparatory to another plan; namely, that of a Board of Revenue at the Presidency, by whom, with local officers, the whole business of realizing the revenue might be performed. Afterwards, when disputes with Mr. Francis, and other opposing members of the Council, arose, Mr. Hastings had maintained, that the expedient of provincial Councils was the most excellent which it was possible for him to devise. On the 20th of February, 1781, however, a very short time after the departure of Mr. Francis, he recurred to the plan which was projected in 1773; and decreed as follows, That a Committee of Revenue should be established at the Presidency, consisting of four covenanted servants of the Company; that the

[1] Fifth Report of the Select Committee in 1810; Second Report of the Select Committee in 1781.

provincial Councils should be abolished, and all the powers with which they were vested transferred to the Committee; that the Committee should transact, with full authority, all the current business of revenue, and lay a monthly report of their proceedings before the Council; that the majority of votes, in the Committee, should determine all those points on which there should be a difference of opinion; that the record, however, of each dissentient opinion was not expected; that, even upon a reference to the Council, the execution of what the majority had determined should not be staid, unless to the majority themselves the suspension appeared to be requisite; and that a commission of two per cent. on all sums paid monthly into the treasury at Calcutta, and one per cent. on all sums paid monthly into the treasuries which remained under charge of the collectors, should be granted as the remuneration, according to certain proportions, of the members and their principal assistants. Against this arrangement it was afterwards urged, That it was an addition to those incessant changes, which were attended with great trouble, uncertainty, and vexation to the people: That it was a wanton innovation, if the praises bestowed by Mr. Hastings on the provincial Councils were deserved: That it divested the Supreme Council of that power over the business of revenue, with which they solely were intrusted by the legislature, to lodge it in the hands of Mr. Hastings: as the members of the Committee were under his appointment, and the Council were deprived of the means of forming an accurate judgment on all disputed points; hearing the reasons of the majority alone, while those of the minority were suppressed. To these objections Mr. Hastings replied, that the inconveniences of change were no argument against any measure, provided the advant-

ages of the measure surpassed them; that he was not bound by his declarations respecting the fitness of the provincial Councils, when the factious disputes which divided them, and the decline of the revenues, proved that they were ill adapted to their purpose; that the business of the revenue was necessarily transferred from the Supreme Council, because the time of the Council was inadequate to its demands; that the Committee of Revenue were not vested with the powers of the Council, in any other sense than the provincial Councils, or any other delegates; but, on the contrary, acted under its immediate control.

It was entrusted to the Committee to form a plan for the future assessment and collection of the revenues. And the following are the expedients of which they made choice: To form an estimate of the abilities of the several districts, from antecedent accounts, without recurring to local inspection and research: To lease the revenues, without intermediate agents, to the Zemindars, where the Zemindary was of considerable extent: And, that they might save government the trouble of detail, in those places where the revenues were in the hands of a number of petty renters, to let them altogether, upon annual contracts.[1]

[1] The official documents are found in the Appendix, Sixth Report of the Select Committee, 1782: and in the papers printed for the House of Commons, on the question of the impeachment. See too the Fifteenth article of Charge against Hastings, and the answer.

CHAP. VII.

Journey of the Governor-General to the Upper Provinces—History of the Company's Connexions with the Rajah of Benares—Requisitions upon the Rajah—Resolution to relieve the Company's Necessities by forcible Exaction on the Rajah—The Governor-General arrives at Benares—The Rajah put under Arrest—A tumultuous Assemblage of the People—An Affray between them and the Soldiers—The Rajah escapes—War made upon him, and the Country subdued—Condemnation of Mr. Hastings by the Directors—Double Negotiation with the Mahrattas of Poonah—Treaty of Peace.

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It was immediately subsequent to these great changes in the financial and judicial departments of the government, that the celebrated journey of the Governor-General to the Upper Provinces took place. Important as was the business, which at that time pressed upon the attention of the government, when war raged in the Carnatic, when the contest with the Mahrattas was carried on in two places at once, and when the Supreme Council was so greatly reduced in numbers that, upon the departure of the Governor-General, one member alone, Mr. Wheler, was left to conduct the machine of government, it was to be concluded, that matters of great concernment had withdrawn the Governor-General from the principal scene of intelligence, of deliberation, and of action.

The transactions which he had in view were chiefly those proceedings which he meditated with regard to the Rajah of Benares, and the Nabob of Oude. The government was distressed for money, and the intention was avowed of making those tributary Princes subservient to its supply. The Governor-General departed from Calcutta on the 7th of July, 1781, and arrived at Benares on the 14th of August. To understand the events which ensued, it is necessary to trace from its origin, the connexion which subsisted between the English and the Rajah.

After the shock which the empire of the Great Mogul sustained by the invasion of Nadir Shah, when the subahdars and other governors, freed from the restraint of a powerful master, added to the territory placed under their command, as much as they were able of the adjacent country, the city and district of Benares were reduced under subjection to the Nabob of Oude. This city, which was the principal seat of Brahmenical religion and learning, and to the native inhabitants an object of prodigious veneration and resort, appears, during the previous period of Mahomedan sway, to have remained under the immediate government of an Hindu. Whether, till the time at which it became an appanage to the Subah of Oude, it had ever been governed through the medium of any of the neighbouring viceroys, or had always paid its revenue immediately to the imperial treasury, does not certainly appear. With the exception of coining money in his own name; a prerogative of majesty, which, as long as the throne retained its vigour, was not enfeebled by communication; and that of the administration of criminal justice, which the Nabob had withdrawn, the Rajah of Benares had always, it is probable, enjoyed and exercised all the powers of government, within his

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own dominions. In 1764, when the war broke out between the English and the Subahdar of Oude, Bulwant Sing was Rajah of Benares, and, excepting the payment of an annual tribute, was almost independent of that grasping chief, who meditated the reduction of Benares to the same species of dominion which he exercised over the province of Oude. The Rajah would gladly have seen the authority of the English substituted in Oude to that of the Vizir, whom he had so much occasion to dread. He offered to assist them with his forces; and, to anticipate all jealousy, from the idea of his aiming at independence, expressed his willingness to hold the country, subject to the same obligations under them, as it had sustained in the case of the Nabob; and so highly important was the service which he rendered to the Company, that the Directors expressed their sense of it in the strongest terms.[1] When peace was concluded, the Rajah was secured from the effects of the Nabob's resentment and revenge, by an express article in the treaty, upon which the English insisted, and the guarantee of which they solemnly undertook. Upon the death of Bulwant Sing in the year 1770, the disposition of the Vizir to dispossess the family, and take the province into his own hands, was strongly displayed, but the English again interfered, and compelled the Vizir to confirm the succession to Cheyte Sing, the son of the late Rajah, and his posterity for ever, on the same terms, excepting a small rise in the annual payment, as those on which the country had been held by his father. In the year 1773, when Mr. Hastings paid his first visit to the Nabob of Oude, the preceding agreement was renewed and confirmed. "The Nabob," said Mr. Hastings,

[1] In their Bengal Letter, 26th May, 1768.

"pressed me, in very earnest terms, for my consent, that he should dispossess the Rajah of the forts of Leteefgur and Bidgegur, and take from him ten lacs of rupees over and above the stipulated rents; and he seemed greatly dissatisfied at my refusal." Mr. Hastings, however, insisted that all the advantages which had been secured to Bulwant Sing, and confirmed by the Nabob's own deed to Cheyte Sing, should be preserved; and he expressed, in the same letter, his opinion both of the faith of the Vizir, and the independence of the Rajah, in the following terms: "I am well convinced that the Rajah's inheritance, and perhaps his life, are no longer safe than while he enjoys the Company's protection; which is his due, by the ties of justice, and the obligations of public faith; and which policy enjoins us to afford him ever most effectually: his country is a strong barrier to ours, without subjecting us to any expense; and we may depend upon him as a sure ally, whenever we may stand in need of his services." [1] It was established accordingly, that "no increase of revenue should ever thereafter be demanded."

When the Company's new government, established in 1774, resolved upon forming a new arrangement with the son and successor of the Vizir, lately deceased; the interest, whatever it was, which was possessed by the Vizir in the territory of the Rajah Cheyte Sing, was transferred from that chief to the Company. Upon this occasion it was resolved, not only that no infringement should take place of the previous rights and privileges of the Rajah, but that other advantages should be annexed. Mr. Hastings took the lead in this determination; and earnestly

[1] Secret Consultations, Fort William, 4th Oct. 1773; Extract of the Governor-General's Report; Second Report of the Select Committee, 1782, p. 12.

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maintained the policy of rendering the Rajah totally independent in his government of Benares, under no condition but the payment of a fixed and invariable tribute. To this, with only a nominal modification, the Council agreed. It was a primary object, professed by all, that the Rajah should be completely secured from all future encroachments, either upon his revenue, or his power; and an unanimous resolution was passed, that so long as he discharged his engagements, "no more demands should be made upon him, by the Honourable Company, of any kind; nor, on any pretence whatsoever, should any person be allowed to interfere with his authority." To preclude all ground for such interference the right of coining money, and of administering penal justice, was transferred to him. Mr. Hastings proposed that the Rajah should pay his tribute, not at his own capital of Benares, but at Patna, which was the nearest station for the business of government, within the territory of the Company. And the reason which he suggested is worthy of record: "If a resident was appointed to receive the money, as it became due, at Benares; such a resident would unavoidably acquire an influence over the Rajah, and over his country; which would, in effect, render him master of both. This consequence might not, perhaps, be brought completely to pass, without a struggle; and many appeals to the Council, which, in a government constituted like this, cannot fail to terminate against the Rajah: And, by the construction, to which his opposition to the agent would be liable, might eventually draw on him severe restrictions; and end in reducing him to the mean and depraved state of a mere zemindar."[1] The chain of acknowledgments is in-

[1] Minute in Council of the Governor-General on the twelfth of June, 1775.

structive and memorable; 1st, That a resident of the Company, at the court of a native Prince, though for ever so confined and simple a purpose, no more than that of receiving periodical payment of a definite sum of money, would engross the power of the Prince, and become, in effect, the master of the country; 2dly, That in any disputes which might arise with the agent, in the resistance offered by the Prince to these encroachments, the Prince is sure of injustice from the Company's government, sure that all appeals to it will terminate against him, and that even his attempts to oppose the encroachments of the agent will be liable to such constructions, as may induce the Company's servants to plunge him into the lowest stage of oppression and degradation; and, 3dly, That this state of "meanness and depravity" is the ordinary state of a zemindar.[1]

[1] Mr. Barwell even went so far, as to record it in his minute as his opinion and desire, that the Rajah should be exempt even from tribute, and rendered in all respects an independent Sovereign. His words are these; "The independence of Gauzeepore (the Rajah's country) on Oude, is a great political object, and ought to be insisted on; and whatever may be resolved respecting the revenue paid by the Rajah of that country, the English government ought not to stand in the same relation to it as the late Vizir, because the country of Benares and Gauzeepore is a natural barrier to these provinces, and the Rajah should have the strongest tie of interest to support our government, in case of any future rupture with the Subah of Oude.—To make this his interest, *he must not be tributary* to the English government; for, from the instant he becomes its tributary, from that moment we may expect him to side against us, and by taking advantage of the troubles and commotions that may arise, attempt to disburthen himself of his pecuniary obligations." Bengal Consultation, 13th Feb. 1775. As a specimen of the changes to which the sentiments of these rulers were liable, compare the words of the Minute of the same Mr. Barwell, not three years and five months afterwards, viz. in his Minute in Council, 9th of July, 1778; "I have *long* regarded the military establishment of Benares, under the Rajah's native officers, as a defect: I therefore most heartily agree to the present proposal for three disciplined battalions to be kept up and paid by the Rajah, and sincerely hope the Company will direct, that the whole force of Benares and Gauzeepore, under the Zemindar, be placed

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It was in the end arranged, that the payment of the tribute should be made at Calcutta, a commission being allowed for the additional expense: And Mr. Francis was anxious that the independence of the Rajah should be modified no farther than by an acknowledgment of the supremacy of the English; a condition not practically affecting his government, and conducive no less to his security than to the dignity of those to whom the compliment was paid.[1]

Upon these terms the settlement was concluded; and the Rajah continued to pay his tribute with an exactness rarely exemplified in the history of the tributary princes of Hindustan. Unhappily for him, he was not an indifferent spectator of the disputes which agitated the Supreme Council. "It is a fact," says the Governor-General, "that when the unhappy divisions of our government had proceeded to an extremity bordering on civil violence, by the attempt to wrest from me my authority, in the month of

upon the same footing as the regular military force of the Presidency." It is to be observed, that the three battalions were a mere pretence. The Rajah was only required to give money: and the battalions were never raised.

[1] The third paragraph of his Minute in Council, on the 13th of Feb. 1775, was in these words; "The present Rajah of Benares to be confirmed in the Zemindary, which may be perpetuated in the family under a fixed annual tribute, and a fixed fine at each future investiture; the Rajah's authority in his own country to be left full and uncontrouled." And this he further explained in a Minute, dated the 4th of March, in the following words; "In agreeing to the proposed independence of the Rajah of Benares, my meaning was, to adhere strictly to the third paragraph of my Minute of the 13th of February, that the Zemindary may be perpetuated in his family on fixed and unalterable conditions. It is highly for his own advantage, to be considered as a vassal of the Sovereign of these kingdoms, holding a great hereditary fief by a fixed tenure, and acknowledging the Sovereign of Bengal and Bahar to be his lord paramount. Speaking my sentiments without reserve, I must declare, that in settling this article, I look forward to the assertion or acceptance of the sovereignty of these provinces, *pleno jure*, on the part of his most Gracious Majesty, the King of Great Britain."

June, 1777,[1] he had deputed a man named Sumboonaut, with an express commission to my opponent; and the man had proceeded as far as Moorshedabad, when, hearing of the change of affairs, he stopped, and the Rajah recalled him."[2] It is somewhat wonderful that a circumstance, no greater than this, should have made so deep an impression upon the mind of the Governor-General, as to be enumerated, after the lapse of years, in a laboured apology, among the causes which justified the prosecution of the Rajah to his ruin.

In the year, 1778, the Governor-General proposed, that a requisition should be made upon the Rajah Cheyte Sing, for the maintenance of three battalions of sepoys, estimated at five lacs of rupees per annum, during the continuance of the war. In settling the terms of the connexion of the Rajah with the Company, in 1775, it had been proposed, for *consideration*, by the Governor-General, whether the Rajah should not engage to keep a body of 2,000 cavalry constantly on foot, which should be consigned to the service of the Company, receiving an additional pay or gratuity, as often as the public interest should require. But this proposition was rejected by the rest of the Council, even by Mr. Barwell, on the score of its being a mere enhancement of the tribute of the Rajah, under a different name. And the Governor-General then declared, that "it was far from his intention to propose this, or any other article, to be imposed on the Rajah by compulsion; he only proposed it as an article of speculation." Mr. Francis and

[1] What he calls the attempt to wrest from him his authority, was his own refusal to obey the appointment of the Company, when Sir John Clavering was nominated to the place of Governor-General, upon the resignation which Mr. Hastings disowned.

[2] The Governor-General's Narrative of the Transactions at Benares, App. No. 1; Second Report of the Select Committee, 1781.

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Mr. Wheler, in 1778, consented that an aid, to the amount which the Governor-General proposed, should be requested of the Rajah, but demurred as to the right of enforcing any demand beyond that of the stipulated tribute; and Mr. Hastings agreed to reserve the question of right to their superiors.[1] Professing a strong desire to show his friendship to the Company, the Rajah, as was to be expected, endeavoured to obtain an abatement of the sum; and when he gave his consent to the whole, expressly declared that it was only for a single year. In resentment of these endeavours to limit the amount of the contribution, the Governor-General proposed, that no time should be allowed for the convenience of payment; but the whole should be exacted immediately. "I acquiesce," were the words of Mr. Francis's Minute; "though, in my own opinion, it would answer as well to us, and be less distressing to the Rajah, if the subsidy were added in equal proportions to the monthly receipts of the tribute."

The Rajah pleaded poverty; and, praying for indulgence in point of time, engaged to make good the total payment in six or seven months. The Governor-General treated the very request as a high offence; and added the following very explanatory words; "I will not conceal from the Board, that I have expected this evasive conduct in the Rajah, having been some time past well informed, that he had been advised in this manner to procrastinate the payment of the five lacs, to afford time for the arrival of dispatches from England, which were to bring orders for a total change in this government; and this he was given to expect would produce a repeal of the

[1] The expressions in his Minute in Council (9th July, 1778), are these...." wishing to avoid the question of right"...." I wish to leave the decision of future right to our superiors."

demand made upon him by the present government." A delay, founded upon the hope that the Governor-General would be stript of power, might sting the mind of the Governor-General, if it was a mind of a particular description; but a delay, founded upon the hope of remission (even if it had been ascertained to be the fact) would not by any body, unless he were in the situation of the Governor-General, be regarded as much of a crime. Mr. Francis and Mr. Wheler were over-ruled, and the resident at Benares was commanded immediately to repair to the Rajah, to demand, that in five days the whole of the money should be paid, to denounce to him that a failure in this respect would be treated as equivalent to an absolute refusal, and to abstain from all intercourse with him till further instructions, if the requisition was not obeyed.

In the following year, the demand was renewed. The Rajah now more earnestly represented the narrowness of his circumstances; the hardship which was imposed upon him, by so heavy an exaction; his exemption, by the terms of his treaty, from all demands, beyond the amount of his tribute, which was most regularly paid; and his express stipulation, annexed to his former payment, that it was not to be for more than a year. The Governor-General replied in terms more imperious and harsh than before; threatening him with military execution, unless he paid immediate and unconditional obedience to the command. The Rajah repeated his remonstrance, in the most earnest, but the most submissive, and even suppliant terms. The troops were ordered to march. He was compelled to pay not only the original demand, but 2,000*l.* as a fine for delay, under the title of expence of the troops employed to coerce him.

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In the third year, that is, in 1780, the exaction was renewed; but several new circumstances were, in this year, annexed to the transaction. The Rajah sent his confidential minister to Calcutta, to mollify the Governor-General, by the most submissive expressions of regret for having incurred his displeasure, even by confessions of error and of fault, and by the strongest protestations of a desire to make every possible exertion for the recovery of his favour. This however included not the payment of the five lacs, of which the agent was instructed to use his utmost endeavours to obtain a remission. For the better accomplishment of this object, he was furnished with a secret compliment to the Governor-General, of the amount of two lacs of rupees. At first, as we are told by Mr. Hastings, he absolutely refused the present, and assured the agent of the Rajah that the contribution must be paid. Afterwards, however, he accepted the present; with a view, as he himself informs us, to apply the money to a peculiar exigency of the public service. Be it so. The money of the Rajah however was tendered, for a purpose which it was impossible to mistake: And that money, with all the obligation which the receipt of it imported, was in fact received.[1] The contribution, nevertheless,

[1] For the circumstances of this present, see Hastings's Answer to Burke's Eighth Charge; the Eleventh Report of the Select Committee, 1781; and the Minutes of the Evidence taken at the Trial of Warren Hastings. These circumstances are remarkable, and characteristic: At first, perfect concealment of the transaction: such measures, however, taken, as may if afterwards necessary appear to imply a design of future disclosure: when concealment becomes difficult and hazardous, then disclosure made The Governor-General, on the 29th of June, offered to apply 23,000*l.*, which, as he described it, *appeared* to be, though *not* asserted to be, money of his own, to the support of the detachment under Colonel Carnac, destined to act in the country of Scindia: Whether the accommodation was meant to be a loan or a gift did not appear. Of the receipt of this money as a present no intimation was

was exacted. The remonstrances of the Rajah, and his renewed endeavours to gain a little time, were treated as renewed delinquency; and for these endeavours the Governor-General imposed upon him a mulct or fine of 10,000*l.*;[1] and the troops were ordered to march into the Rajah's country, on the same errand, and on the same terms, as in the preceding year.

The Rajah again submitted, and the money was again discharged. But these submissions and payments were no longer regarded as enough. An additional burthen was now to be imposed. A resolution was passed in the Supreme Council, that the Rajah, besides his tribute, and the annual contribution of five lacs of rupees, should be required to furnish to the Bengal Government such part of the cavalry entertained in his service, as he could spare: And the resident was instructed by the Governor-General to make a peremptory demand of 2,000. The Rajah

made to the Court of Directors before the 29th of November following; when he only alludes to it, but expressly withholds explanation. Stating the reason of mentioning the matter at all to be a desire of "obviating the false conclusions or purposed misrepresentations" which might be made of his offer to defray the expense of Carnac's detachment, as if that offer were "either an artifice of ostentation, or the effect of corrupt influence," he tells them, "that the money, by whatever means it came into his possession, was not his own; that he had himself no right to it, nor would or could have received it, but for the occasion which prompted him to avail himself of the accidental means which were at that instant afforded him, of accepting and converting it to the property and use of the Company." Even here, he represents his converting it to the use of the Company, as a voluntary favour he conferred upon the Company, when the money was in reality the money of the Company, and when every thing received in presents was theirs. He had given no further explanation up to the end of 1783; and the first knowledge obtained in England of the source whence the money was derived, was drawn from Major Scott by the interrogatories of the Select Committee. See Eleventh Report, p. 7.

[1] The payment of this mulct is stated as doubtful, in Burke's Charges; but as it is passed without mention in the Answer, the silence must, in this, as in other cases, be taken for confession.

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represented that he had only 1,300 cavalry in his service, and that they were all employed in guarding the country, or in collecting the revenues. The Governor-General reduced his demand, first to 1,500, and at last to 1,000. The Rajah collected 500 horse, as he himself, and without contradiction, affirmed, and 500 matchlock men as a substitute for the remainder: He sent word to the Governor-General that this force was ready to receive his commands; but never obtained any answer.

The Governor-General had other views. He wanted money, and he was resolved that the plunder of the unhappy Rajah, whom he disliked, should be the source from which it was to flow. "I was resolved," says the Governor-General, "to draw from his guilt the means of relief to the Company's distresses. In a word, I had determined to make him pay largely for his pardon, or to exact a severe vengeance for his past delinquency."[1] The confession has the merit of frankness, be the other virtues belonging to it such as they may. The guilt, as it is called, consisted, exclusively, in a reluctance to submit to the imposition of a very heavy burthen, from which the Rajah considered that he ought to be free.

The Rajah was informed of the hostile designs which were entertained against him, and, in order to mitigate the fury of the storm, sent an offer to the Governor-General of twenty lacs of rupees for the public service. The offer was scornfully rejected. A sum of not less than fifty lacs, was the peremptory demand. From the Governor-General's information we learn, that he was at this time offered a large sum of money for the dominions of the Rajah, by the Nabob of Oude; that he was resolved to ex-

[1] Governor-General's Narrative, K., supra.

tort the obedience of the Rajah; otherwise to reduce his forts, and seize the treasure which they were supposed to contain; or to conclude a bargain for his dominions with the Nabob Vizir.

It is necessary to be remarked, that Mr. Fowke, who had been replaced in the office of resident at Benares by the express command of the Court of Directors, the Governor-General removed about six months before his journey to Benares, on the sole pretence that "he thought the resident there should be a man of his own nomination and confidence;" though the Court of Directors had decreed the contrary, and issued to that effect their most peremptory commands. It is also requisite to be stated, that though the Governor-General departed for Benares with the intention of inflicting a severe vengeance on the Rajah, a design which he communicated in trust to some of his confidential friends, he entered no intimation of this design in the consultations, or records of the Deliberative Council, but on the contrary a minute, importing nothing beyond an amicable and ordinary adjustment, and desiring powers for nothing but to make such arrangements, and perform such acts, for the improvement of the Zemindary "as he should think fit and consonant to the mutual engagements subsisting between the Company and the Rajah." The aptness of the expression consisted in its having sufficient laxity to stretch around all that the actor had in view, while its more obvious signification led not the mind of the hearer to any but ordinary transactions.

Upon the approach of the Governor-General to the boundary of the Rajah's dominions, that Prince went out to meet him, and, to render the compliment still more respectful, with a retinue unusually great. Not contented with a mere interview of form, the Rajah

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pressed for a more confidential conversation. "He professed," says Mr. Hastings, "much concern to hear that I was displeased with him, and contrition for having given cause for it, assuring me that his Zemindary, and all that he possessed, were at my devotion; and he accompanied his words by an action, either strongly expressive of the agitation of his mind, or his desire to impress on mine a conviction of his sincerity—by laying his turban on my lap." Mr. Hastings, according to his own account, treated the declarations of the Rajah as unworthy of his regard, and dismissed him.

Mr. Hastings arrived in the capital of the Rajah on the 14th of August; earlier by some hours than the Rajah himself. The Rajah commmunicated his intention of waiting upon him in the evening. But the Governor-General sent his prohibition; and at the same time directed him to forbear his visits, till permission should be received. The resident was next morning sent to the Rajah with a paper of complaints and demands. The Rajah in reply transmitted, in the course of the day, a paper in which he endeavoured to make it appear that his conduct was not liable to so much blame as the Governor-General imputed; nor deserved the severity of treatment which was bestowed. The Governor-General, without any further communication, put him under arrest the following morning; and imprisoned him in his own house with a military guard.

This is the point, at which the reader should pause, to examine, by the rules of justice, the conduct of the parties; since to this time their actions were the offspring of choice; afterwards, they became more the result of necessity on both sides.

Suppose the justice of the demand to have been ever so clear and certain; suppose that the Rajah had

procrastinated, and endeavoured to evade the payment of his defined and established tribute, which on the contrary he always paid with singular exactness; suppose that importunity on each occasion had been requisite, and the delay of a few months incurred; even in this case, where blame, if inability hindered not, might without dispute have been due, it will be acknowledged, that the behaviour of the Governor-General would have been harsh, precipitate, and cruel. Even the fines, and the soldiers, would have been too hastily and vindictively applied to an offence, so common in India, and to which any consequences of importance are so little attached. The arrest, which to a man of rank is the deepest disgrace and injury, would have been an excess of punishment to a very considerable degree beyond the line of justice and humanity. If so, how much must be supposed to be added to that excess, when it is considered that the demand itself was extraordinary, irregular, and liable to the imputation of injustice; that some even of Mr. Hastings' colleagues disputed the right of the Company to enforce any such demand; and that Mr. Hastings, though he declared that his opinion was in favour of the right, dared not to decide upon it, but in express terms left the question doubtful, and reserved the decision for his superiors?

Mr. Hastings imposes a heavy burthen upon a native Prince: His right, in point of law or justice, is a matter of doubt: The Prince shows reluctance to submit to what he very naturally regards as oppression; and by some little and ordinary artifices he endeavours to elude the demand: To this reluctance and these little artifices, Mr. Hastings attaches the name of guilt: Having sufficiently attached to them the name of guilt, he holds it requisite that

guilt should meet with punishment; And as it is the dignity of the state against which the offence has been committed, the dignity of the state, which is infinite, requires that the punishment should be adequately severe. If this be justice, a way may be found for inflicting any punishment justly, at any time, upon any human being.

There are considerations, on the opposite side, which must not be forgotten. Mr. Hastings, in his present exigency, might naturally expect assistance from the Rajah. It was common for the tributary Princes of the country to be compelled to assist their superiors in war. And it is probable that Mr. Hastings counted upon that assistance, when, in 1775, the agreement with the Rajah was formed. It is, however, not a matter of doubt, that by the terms of that solemn compact, the Governor-General and his colleagues, whether they so intended or not, did surrender and renounce all right to make any demand upon the Rajah of such assistance, or of any emolument or service whatsoever beyond the amount of his annual tribute.

Mr. Hastings, in contest with his accusers, endeavoured to lay the burthen of his defence upon the duties which in India a dependant ruler owes to the authority on which he depends. But if these duties, whatever they may be, are solemnly remitted by him to whom they are due, and the right to exact them is formally given up, the obligation is destroyed, and becomes as if it never had existed. That the words of the grant to the Rajah Cheyte Sing barred every demand beyond that of his tribute, and by consequence that which was now made, Hastings no where directly controverts.[1] He meets not the argument,

[1] The form of the words was affirmative and negative; the first clause defining that which he was to pay; the latter clause excluding by

because it could not be answered; he endeavours to defeat it by other means; by hiding it from observation, while he sedulously directs the attention to different points.

We must also be allowed to examine the rights which the custom of India gave to the Prince who received, over the Prince who afforded, the tribute.

express declaration whatever was not defined and specified in the former. Ambiguity could not more effectually be excluded. The first clause included his tribute, and nothing else; the latter negatived whatever was not in the first clause, that is, whatever was not his tribute. The words to which reference is always made, are the words of the resolution of the Council. It is true, that the words of the sunnud, which was afterwards actually granted, and which ought to have been exactly correspondent to the words of the resolution, were too indefinite to fix any thing whatsoever in favour of the Rajah. But this is one of the injuries which the Rajah sustained; and cannot be employed to justify the oppression which was grounded upon it: it is on the contrary a heinous fraud, for which the authors were justly accountable. And the words of the resolution ought to be the explanation and the standard of what is left undefined in the sunnud. It is remarkable, that there was a great deal of irregularity, and some suspicious circumstances, in the mode of making out the deeds, and performing the investment. The Rajah objected to the first forms. They were altered. Other forms were adopted. And in the charges against Mr. Hastings, voted by the House of Commons, it is stated, that neither the first set of deeds, nor the second set of deeds, were entered in the records, or transmitted to the Court of Directors. In fact, there is so much of the appearance of improper design in these proceedings, that Mr. Burke scruples not to say, they "give, by that complicated, artificial, and fraudulent management, as well as by his (Mr. Hastings) omitting to record that material document, strong reason to presume that he did even then meditate to make some evil use of the deeds which he thus withheld from the Company, and which he did afterwards in reality make, when he found means and opportunity to effect his evil purpose." The design was, however, probably, no worse than to leave himself a latitude of power with regard to the Rajah. But the indefiniteness of the sunnud very ill agreed with the solicitude expressed in Council by the Governor-General, in 1775, to exempt the Rajah from dependance, and all chance of encroachment on his power. It is also necessary to state, that Mr. Hastings avers he had no concern in making out the sunnuds, or omitting to record them; that these practical operations belonged to the Secretary of the Board, under the superintendance of the majority, of which at this time he was not a part; and that if there was any misconduct, that majority are to answer for it. See his Defence on the Third Charge.

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Far were they, indeed, from being of such a nature, as Mr. Hastings, for the benefit of his own exculpation, affirmed. By whose construction? By the habitual construction, by the public acts, of Mr. Hastings himself. The East India Company were the dependants of the Emperor Shah Aulum, and paid him a tribute. Did the East India Company hold themselves bound to obey every demand which the Emperor might choose to make upon them for assistance in his wars? Did they not treat him as a person to whose commands, or most urgent supplications, not the smallest attention was necessary? Did they not even treat him as a person toward whom they had no occasion to fulfil even the most solemn engagements? Did they not, as soon as they pleased, refuse to pay him even his tribute for that part of his dominions which they continued to hold in his name? Did not their ally, the Nabob of Oude, in like manner depend upon the Emperor, and owe him tribute, which he never paid? Was he not even his Vizir; in other words, his chief minister and servant, and therefore bound by a double duty to obey, to aid, and to protect him? Did he, on these accounts, perform towards him the smallest act of service, or obedience? No one, than Mr. Hastings, better knew, that in India the obligation of the person who pays tribute to the person who receives it is deemed so very slight, as scarcely to be felt or regarded; and no man was more ready to act upon that principle, when it suited his purposes, than Mr. Hastings. The law of the strongest, indeed, was in perfect force; and whenever any party had the power to enforce obedience, it had no limit but that of his will.

The relation in which the Company stood to the Rajah, the one as sovereign, the other as subject,

Mr. Hastings represented as conferring "an inherent right to impose such assessments as the Company thought expedient." But, in that case, the compact into which the Company entered with the Rajah, that on no pretence whatsoever should any demand whatsoever be made upon him, beyond the amount of his tribute, were a form of words totally destitute of meaning, or rather a solemn mockery, by which the Company gave security and assurance to the mind of the Rajah, that they would take from him nothing beyond his tribute, excepting just as much, and just as often, as they pleased.[1]

Mr. Hastings, in his own justification, and after the time when his conduct had produced the most alarming events, alleged the previous existence of designs, and even preparations, on the part of the Rajah, traitorous and hostile to the Company. For the evidence of these designs, Mr. Hastings presents his own naked assertion. But to that, in such circumstances, little value is to be attached. The assertion was also contradicted; and by the man who best knew on what grounds it was made; by Mr. Hastings himself. It was contradicted, by his actions, a better testimony than his words. So far from repairing to the capital of the Rajah, as to a place where any danger was to be apprehended, he repaired to it

[1] Mr. Francis at the time remarked; "I did, from the first, express a doubt, whether we had strictly a right to increase our demands upon the Rajah beyond the terms which we originally agreed to give him; which he consented to; and which, as I have constantly understood it, were made the fundamental tenure by which he held his Zemindary. If such demands can be increased upon him at the discretion of the superior power, he has no rights; he has no property; or at least he has no security for either. Instead of five lacs, let us demand fifty: whether he refuses, or is unable, to pay the money, the forfeiture of his Zemindary may be the immediate consequence of it, unless he can find means to redeem himself by a new treaty." Minute in Council, 28th September, 1778; Second Report, ut supra, p. 30.

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as a place where he might commit the greatest outrage upon its sovereign without the smallest dread of opposition or revenge.[1]

By Mr. Hastings the Rajah was represented as

[1] The affidavits, appended to Mr. Hastings' Narrative, instead of proving that any design of rebellion was on foot, prove the contrary; by showing the total want of a foundation for the pretended suspicions. Much testimony was given in defence to this point on the trial. It amounted however to nothing but a statement of *rumours*, or of *equivocal appearances*, or of the *opinions* of witnesses who believed that which they wished. (See printed Minutes of Evidence on the Benares Charge, p. 1601 to 1616 and 1664—1788.) Lieutenant-Colonel Crabb, on the subject of the reports respecting the disaffection of the Rajah—(after the treatment which he had received, the known existence of a cause for disaffection was very likely to be confounded with the supposed existence of disaffection itself)— was asked by the Select Committee (Second Report, Appendix, No. 11), " Whether there were any circumstances in the Company's situation at that time to consider those reports probable? He said, Not that he knew of; reports were circulated one half hour, and contradicted the next; and no one can trace the origin." Among the alleged proofs, was given, a recent augmentation of his troops; of cavalry, to the amount of 5000; (see the Evidence of Major Fairfax, Report, ut supra, Appendix, No. 15); yet all the horse in his service, when he was obliged to take the field, amounted only to about 2000; see Hastings' Narrative, ut supra, Dd. The same sort of suspicions, and the same sort of reports, existed against the Nabob of Oude; and with more probability, and with more danger, because he had greater power. The Governor-General himself says, " I had received several intimations, imputing evil designs to the Nabob, and warning me to guard myself against them, and especially be careful that I did not expose myself to the effects of concealed treachery, by visiting him without a strong guard. Many circumstances favoured this suspicion. No sooner had the rebellion of this Zemindary (Benares) manifested itself, than its contagion instantly flew to Fyzabad—and the extensive territory lying on the north of the river Dewa, and known by the names of Goorucpoor and Bareech. In the city of Fyzabad, the mother and grandmother of the Nabob openly espoused the party of Cheyte Sing, encouraging and inviting people to enlist for his service, and their servants took up arms against the English. Two battalions of regular sepoys in the Vizir's service, under the command of Lieutenant-Colonel Hannay, who had been entrusted with the charge of that district, were attacked and surrounded in various places, many of them cut to pieces, and Colonel Hannay himself, encompassed by multitudes, narrowly escaped the same fate. The Nabob Vizir was charged with being privy to the intrigues which had produced and fomented those disturbances; and the little account that he seemed to make of them served to countenance the suspicion." (Narrative, ut supra, Cc.)

having vast riches, which he ungratefully desired to withhold from the Company in their greatest distress. If the fact had corresponded with the assertion, it is not very allowable, for a mere debt of gratitude, to prosecute a man to his ruin. Of the riches of the Rajah, however, we look in vain for the proof; and the fancy of those riches was, in all probability, nothing more than a part of that vain imagination of the unbounded opulence of India, which the experience of our countrymen might at a very early period have extinguished in their minds, but which their cupidity has, in spite of their experience, kept alive, to hurry them into many of the weakest and most exceptionable of their acts. Of the Princes of India, there has not been one whom, after experience, they have not found to be poor; scarcely has there been any whom, before experience, they have not believed to be rich.

Mr. Hastings endeavoured to strengthen his justification by chicaning about the quality of the Rajah, or his dignity and rank. Mr. Hastings denied that he was a sovereign prince: he was only a Zemindar. Did this, however, change the nature of the compact, by which the Company had bound themselves to exact from this man, whether Prince or Zemindar, no more than his annual tribute? Would Mr. Hastings have asserted, that, being a Zemindar, the Company had any better right to plunder him, than if he was a dependant Prince? Had he been a subject, in the most unlimited sense of the word, would it have been any thing else than plunder, not to have taxed him along with the rest of his fellow-subjects, but to have gone to him personally, and singly, and have taken from him by compulsion, whatever it was the pleasure of the exactor to take? Would Mr. Hastings have undertaken to point out where the line of dis-

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tinction between a Zemindar, and a dependant Prince, was to be found? Was not every Zemindar that had a large extent of territory and power, a dependant Prince; and was not every Prince of a small extent of territory and power, a mere Zemindar? What could constitute any man a sovereign Prince, if all the powers of government secured, without participation, to him and his heirs for ever, over a country surpassing the extent of considerable kingdoms, did not constitute the Rajah of Benares a Prince?—But the father of the Rajah, Bulwant Sing, said Mr. Hastings, rose from the condition of a petty Zemindar.—What had this to do with the question? Did any one, better than Mr. Hastings, know, that those who acquired the station of dependant Princes in India almost uniformly ascended from the lowest origin? Did the birth of Aliverdi Khan prevent him from being the Subahdar of Bengal, and leaving his heir in the state of a tributary Prince? [1]

Another of the allegations, upon which the defence was attempted of the demands which Mr. Hastings made upon the Rajah and of the arrest of him for evasions of payment, was; that the police of the Rajah's

[1] What was the condition of the Zemindars of the province of Benares, whose obedience as subjects was due to Cheyte Sing? The fact is, that nothing was so indefinite as the title of Zemindar. Mr. Hastings himself says, "The expulsion of Cheyte Sing was indisputably a *revolution*. I have always called it so." A revolution, consisting in the mere change of a land-renter, removeable at pleasure! It is curious to contrast the words of Mr Hastings's own agent, Major Scott, who had occasion to exalt the situation of the Rajah: "Mr. Fowke, as Resident at Benares, appears to him, and certainly is, as an ambassador at a foreign though dependant court: From that Rajah, the Company receive 300,000*l.* sterling a year: Benares is the seat of politics; vackeels, or ambassadors, from every power in India reside constantly there." Evidence of Major Scott, in the Fifth Report (p. 7) of the Select Committee, 1781. Yet no small portion of the evidence adduced for the defence on Mr. Hastings's trial went to prove that the Rajah was a mere Zemindar. Vide Minutes of Evidence, ut supra.

dominions was very defective. It would have been difficult for his accuser to show in what part of India it was good. Three instances are adduced, on the complaint of Major Eaton, the English officer commanding at Buxar, in which the people of the country had behaved without respect to the English authority, and in one instance with violence to English sepoys, and even English officers. Upon this, remonstrance had been made to the Rajah, and, though it is not alleged that he abetted his officers or people, yet he had not made redress, to the satisfaction of the offended party. On the 14th of December, 1780, the Supreme Council wrote, commanding the Rajah to make inquiry into one of the cases: which, as there is no complaint to the contrary, except that an answer had not been received on the 17th of next month, it would appear that he did. And just seven months after the date of this letter Mr. Hastings set out on the journey to inflict that punishment on the Rajah which led to his ruin.[1]

Another extraordinary declaration of Mr. Hastings remains to be considered. "I will suppose," says he, "for a moment, that I have erred, that I have acted with an unwarranted rigour towards Cheyte Sing, and even with injustice: Let my motive be consulted." Then follows the account of this motive, in the following words: "I left Calcutta, impressed with the belief, that extraordinary means, and those exerted with a strong hand, were necessary to preserve the Company's interests from sinking under the accumulated weight which oppressed them. I saw a political necessity for curbing the overgrown power of a great member of their dominion, and to make it contribute to the relief of their pressing exigencies.

[1] Vide Minutes of Evidence on the Trial, p. 1601.

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If I erred, my error was prompted by an excess of zeal for their interests, operating with too strong a bias on my judgment."[1] Here some portion of the truth comes forth. The Company were in want of money. The Rajah was supposed to possess it. And since he would not give what was demanded willingly, the resolution was formed to take it from him by force. The pretence, however, that his power was overgrown, that is, from its magnitude an object of danger, was utterly groundless. In what respect had that power increased, during the short period of five years, from the time when Mr. Hastings and his colleagues confirmed and established his power, and when Mr. Hastings was so far from dreading it, that he wished to make it still more independent than it was really made? By a small body of troops hastily collected together, and wretchedly provided both with provisions and pay, the whole power of the Rajah was in a few days, and with little bloodshed, completely subdued. And the military officers declared, that, even if the country had deliberately rebelled, a single brigade of the Company's army would have sufficed for its reduction.[2]

Nor was the Governor-General so perfectly disinterested, as he was desirous to make it appear. The whole power and emoluments of his office, over which he watched with so much jealousy and desire, were the powerful interests by which he was stimulated.

[1] Governor-General's Narrative, ut supra, O, No. 1.

[2] See the evidence of Lieutenant Colonel Crabb, Second Report, ut supra, Appendix, No. 11. Observe the words of Mr. Hastings himself: "The treachery of Rajah Cheyte Sing has compelled me to retreat to this place, where I wait to reduce this Zemindary; *a work I trust of no great difficulty or time*........Troops are assembling daily, *to which he can afford no opposition.*" Governor-General's Letter to Colonel Muir, dated Chunargur, 29th August, 1781, ut supra, No. 4. Evidence was adduced on the trial, however, to prove this point with the rest. Vide Minutes, ut supra, on the Benares charge.

He knew, under the sentiments which prevailed at home, by what a slender and precarious tenure he enjoyed his place. He knew well that success or adversity would determine the question. He knew that with those whom he served, plenty of money was success, want of that useful article, adversity. He found himself in extreme want of it. The treasure to which he looked was the fancied treasure of the Rajah; and he was determined to make it his own. If under such circumstances as these a zeal for the government which he served could sanctify his actions, then may Jefferies be regarded as a virtuous judge.[1]

[1] Mr. Hastings represented his animosity as inflamed by the danger, to which the detachment of Colonel Carnac in Scindia's country was exposed. The money expected from the Rajah was, according to the statement of Mr. Hastings, destined to that service. But, in the first place, Mr. Hastings was inexcusable, if he left the subsistence of an army, in a dangerous situation, to depend upon a supply which he knew to be precarious. Besides, it is, by the Select Committee, in their Second Report, shown, from a comparison of the dates, that the distress of the army was not an effect of delay in the payments of the Rajah. And it is still further shown by that Committee in their Eleventh Report, that the present of two lacs of rupees (23,000l. sterling), which the Governor-General took from the Rajah, he actually proposed to the Council on the 26th of June, 1780, to employ, (not representing it as money not his own) in supporting the detachment under Carnac. The following are a few of the words of the Committee. "If the cause of Colonel Carnac's failure had been true, as to the sum which was the object of the public demand, the failure could not be attributed to the Rajah, when he had on the instant privately furnished at least 23,000l. to Mr. Hastings; that is, furnished the identical money which he tells us (but carefully concealing the name of the giver) he had from the beginning destined, as he afterwards publicly offered, for this very expedition of Colonel Carnac's. The complication of fraud and cruelty in this transaction admits of few parallels. Mr. Hastings, at the Council Board of Bengal, displays himself as a zealous servant of the Company, bountifully giving from his own fortune; and in his letter to the Directors (as he says himself), as going out of the ordinary roads for their advantage; and all this on the credit of supplies, derived from the gift of a man, whom he treats with the utmost severity, and whom he accuses, in this particular, of disaffection to the Company's cause and interests." Ibid. p. 7.

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On the very evening of the first day after the arrival of the Governor-General in the capital of the Rajah, he gave his commands to Mr. Markham, the Resident; who proceeded the next morning, with a few of his orderlies, to the palace of the Rajah; and he thus reported to his employer the result of his mission. "The Rajah submitted quietly to the arrest; and assured me, that whatever were your orders, he was ready implicitly to obey: he hoped that you would allow him a subsistence; but as for his Zemindary, his forts, and his treasure, he was ready to lay them at your feet, and his life, if required: He expressed himself much hurt at the ignominy which he affirmed must be the consequence of his confinement, and entreated me to return to you with the foregoing submission, hoping that you would make allowance for his youth and inexperience, and, in consideration of his father's name, release him from his confinement, as soon as he should prove the sincerity of his offers, and himself deserving of your compassion and forgiveness."

This conversation had only been a few minutes ended, when a guard of two companies of sepoys arrived; the servants of the Rajah were disarmed; and he was left in charge of the officers. The sensation which this event produced in the minds of the people was immediately seen. The government of the Rajah, and of his father Bulwant Sing, had for many years afforded the people an uncommon portion of justice and protection; and they had prospered under its beneficent care. Captain Harper, an officer of the Company, who had performed a great deal of service in that part of Hindustan, was asked in evidence by the Select Committee, "How the provinces of Benares and Gazeepoor were cultivated, compared with those parts of Bahar which adjoin, and are only

separated by the river Caramnassa? He said, The provinces of Benares and Gazepoor were more highly cultivated than any he ever passed through; and far superior to the adjoining one of Bahar; and that he attributed this comparative prosperity of those provinces to the industry of the inhabitants, and to the secure and lenient government they lived under."[1] In consequence, the family of the Rajah was naturally beloved; and it sufficiently appears, from the affidavits[2] adduced by the Governor-General, that the English were by the natives, in those parts, in a peculiar manner detested. The confinement of their Prince was an act, which, under the ignominious light in which imprisonment is regarded by the Indians, they viewed as an outrage of the most atrocious description. The passions of the people were inflamed; and they flocked in crowds to the spot where their sovereign was confined. So little had any conception of resistance been entertained, that the two companies of sepoys, who were placed on guard, had come without ammunition. As the concourse of people increased, two additional companies, with a supply of ammunition, were ordered to their support. But before they arrived at the palace, all the avenues were blocked up, and a tumult arose, which soon led to bloodshed, and at last to a furious engagement between the people and the troops. The unfortunate consequence was, that the sepoys and their officers were almost all destroyed. On which side the acts of provocation and violence began, does not suffi-

[1] Report on the petition of Touchet, &c. p. 56. And the Governor-General himself, in his Minute in Council, 12th of June, 1775, declared that the Zemindary of the Rajah consisted of "as rich and well cultivated a territory as any district, perhaps, of the same extent in India."

[2] Appended to his Narrative.

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ciently appear.[1] The Rajah, during this confusion, escaped by a wicket which opened to the river; and, letting himself down the bank, which was very steep, by turbans tied together, he escaped to the other side. The multitude immediately followed him across the river, and left the palace to be occupied by the English troops.

That this assemblage of the people, and the attack which they made upon the guard, was the fortuitous result of the indignation with which they were inspired, by the indignity offered to their prince, and that it was in no degree owing to premeditation and contrivance, was amply proved by the events. The Rajah knew that Mr. Hastings was unattended by any military force; and, if he had acted upon a previous design, would not have lost a moment in securing his person. The Governor-General himself declares; "If Cheyte Sing's people, after they had effected his rescue, had proceeded to my quarters, instead of crowding after him in a tumultuous manner, as they did, in his passage over the river, it is probable that my blood, and that of about thirty English gentlemen of my party, would have been added to the recent carnage: for they were about two thousand, furious and daring from the easy success of their last attempt: nor could I assemble more than fifty regular and armed sepoys for my whole defence."[2] Nothing was it possible to have said, more decisive of the character of a casual mob, led by the mere contingency of the moment, without foresight, and without an end.

[1] The Rajah asserted, and Mr. Hastings has no where contradicted, that the provocation was given by the violence and insolence of the English and their agents. But his assertion, unless supported by circumstances, should not in such a case go far towards proof.

[2] Narrative, ut supra.

It was by no means worthy of a man of prudence and experience to have proceeded deliberately to a measure so likely to make a violent impression upon the minds of the people, without having made any provision whatsoever for preventing the unhappy effects which it tended to produce. Mr. Hastings, at first, was able to assemble for his defence only six companies of Major Popham's regiment, about sixty sepoys which he had brought with him from Buxar as a guard to his boats, and a few recruits newly enlisted for the Resident's guard; in all, about four hundred and fifty men; and without provisions even for a single day.

Ramnagur was a fortified palace of the Rajah, on the opposite side of the river, close to Benares. It was not expected that it could for any length of time resist the effect of artillery; and the resolution was taken of reducing it with all possible dispatch. The remaining four companies of Major Popham's regiment of sepoys, with one company of artillery, and the company of French rangers, lay at Mirzapoor; and were ordered to march to Ramnagur. Major Popham was destined to assume the command, as soon as all the troops intended for the service had arrived. But the officer, who in the mean time commanded the troops, was stimulated with an ambition of signalizing himself; and, without waiting for the effects of a cannonade, marched to the attack of the palace through the narrow streets of the town by which it was surrounded. In this situation the troops were exposed to a great variety of assaults, and after a fruitless opposition were compelled to retreat. The commanding officer was killed; a considerable loss was sustained; and an unfavourable impression was made at the commencement of the struggle, which would have been a serious evil in a less trifling affair.

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The Governor-General now regarded himself as placed in imminent danger. Letter upon letter was written to the commanding officers at all the military stations from which it was possible that timely assistance could be received. Few of these letters reached their destination; for all the channels of communication were interrupted; and so greatly were the people of the country animated against the English, that it was extremely difficult for any agent of theirs to pass without discovery and prevention. The contagion of revolt and hostility flew with unusual rapidity and strength. Not only did the whole of the district which owned the sway of the Rajah fly to arms, the very fields being deserted of the husbandmen, who voluntarily flocked to his standards and multiplied his ranks; but one half of the province of Oude is by the Governor-General affirmed to have been in a state of as complete rebellion as Benares. Even the British dominions themselves afforded cause of alarm; many of the Zemindars of Bahar had exhibited symptoms of disaffection: and the Governor-General received reports of actual levies, in that province, for the service of Cheyte Sing. The danger was exceedingly augmented from another source. The Governor-General was entirely destitute of money; and affirms, that the whole extent of both his treasure and his credit exceeded not three thousand rupees; while the troops were all four months, and some of them five months, in arrear.[1]

He was alarmed with the prospect of an attack from Ramnagur, which report described as about to take place in the night. His situation at Benares was regarded, by himself, and by his military officers, as not defensible; and he resolved to make his escape

[1] See his letter to Mr. Wheler, Appendix to his Narrative, No. 127.

to the strong fortress of Chunar. He secretly quitted the city, after it became dark, leaving the wounded sepoys behind; and arrived in safety at the place of his retreat.

Though the letters of the Governor-General reached not Colonel Morgan who commanded at Cawnpore, yet some intelligence travelled to him of the disorder which had arisen; and with promptitude and decision he ordered the principal part of the force which he commanded to march. The requisition both for money and for troops, which had been dispatched to Lucknow, was happily received; and was promptly obeyed. About the middle of September, one lack and a half of rupees had been received, and a force was now collected, deemed sufficient for the accomplishment of the enterprise.

The Rajah had endeavoured to make his peace from the moment of his escape. He had written letters, in which he declared his sorrow for the attack which had been made upon the soldiers of the guard, and for the blood which had been spilt; protested his own innocence with regard to the effects which had taken place, and which he affirmed to have arisen solely from the casual violence of the multitude, inflamed by the insolence of an English agent; and professed his readiness to submit with implicit obedience to whatever conditions the Governor-General might think fit to impose. Not contented with repeating his letters, he made application, through every person on whose influence with the English ruler he thought he might depend; through one of the gentlemen of his party; through Cantoo Baboo, his confidential secretary; and through Hyder Beg Khan, one of the ministers of the Nabob Vizir. All his applications Mr. Hastings treated as unsatisfactory and insincere; and deigned not to make to them so

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much as a reply. The Rajah collected his forces, and appealed by a manifesto to the princes of Hindustan. He was reported, truly or falsely, to be also venting the most extravagant boasts of the ruin which he meant to bring down upon the English; though he totally abstained from all operations not purely defensive, and in his letters to the Governor-General appealed to his forbearance, as a proof of his desire to retain his obedience. In the mean time he sustained several partial attacks. On the 29th of August a considerable body of his troops, who occupied a post at Seeker, a small fort and town within sight of Chunar, were defeated, and a seasonable booty in grain was procured. On the 3d of September a detachment was formed to surprise the camp at Pateeta, about seven miles distant from Chunar. But the enemy were on their guard, and received the party in good order, at the distance of a mile beyond their camp. They fought with a steadiness and ardour which disconcerted the sepoys, and were beginning to produce disorder, when an attack, made with great gallantry upon their guns, by the two companies of grenadiers, induced them to leave the field with four of their cannon to the victors.

Pateeta was a large town, surrounded by a rampart of earth, which extended a considerable way beyond the town, to the adjoining hills. It had also a small square fort, built of stone, fortified with four round towers, a high rampart, and a great ditch. The principal force of the enemy was collected at this place, and at Lutteefpoor, a large stone fort surrounded with hills and a wood, at the distance of about fourteen miles from Chunar. The strength of both consisted mostly in the difficulty with which they were approached. According to the plan of operations, which the English had arranged, Ramnagur

was first to be assailed, both as it was the place where their arms had met with a disgrace, and because reduction of it would restore possession of the capital, and redeem their credit with the public. Several days were spent, in conveying battering cannon and mortars, with other preparations for a siege, to the camp of Major Popham, which was placed before the town. In the mean time one of the natives represented, that it would be extremely dangerous to allow time to the enemy to strengthen themselves at Pateeta and Lutteefpoor; that the approaches to both were strongly guarded; and that those to Lutteefpoor, in particular, could not be forced but with a serious loss; that even if Lutteefpoor were reduced the object would not be attained, because the enemy could immediately gain the pass of Sukroot, which was behind, and there maintain themselves against any force which could assail them: He, therefore, recommended an attempt to gain possession of the pass by surprise, to which he undertook to conduct a part of the army by an unknown road; and the more to distract the enemy, he advised that an attack should at one and the same time be conducted against Pateeta. His representation was favourably received; Major Popham, with the quick discernment and decision, on which so much of military success depends, immediately acknowledging the excellence of the plan. The army was divided into two parts, of which that which was destined for Sukroot began their march, under command of Major Crabb, about an hour before midnight, on the 15th of the month; and that for Pateeta, conducted by the commanding officer, Major Popham, about three o'clock on the following morning.

He found the works of Pateeta strong, and the approach more hazardous than he had anticipated.

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He had marched without his battering cannon or mortars. They were sent for, but made little impression. Apprehensive lest further delay should frustrate the attempt at Sukroot, he resolved to make an assault on the morning of the 20th. On that very morning the other division of the army arrived, through ways nearly impracticable, at a village, about two miles from the pass. Major Roberts led the storming party at Pateeta, which hardly met with any resistance. After a slight stand at the outer intrenchment, the enemy fled through the fort, and the English soldiers followed without opposition. The pass at Sukroot was guarded by a body of men with three guns, who made a stout defence, but after a considerable loss fled through the pass, in which the English encamped for the remainder of the day. The intelligence of the loss of Pateeta, and of the pass, was carried, at nearly the same time, to Lutteefpoor, to the Rajah. He now, it is probable, began to despair. About four o'clock on the same day he fled from Lutteefpoor, and proceeded with a few followers to the fort of Bidgegur, which was his last resource. His army disbanded themselves; and "in a few hours, the allegiance of the country," says the Governor-General, "was restored as completely, from a state of universal revolt, to its proper channel, as if it had never departed from it."

The Governor-General made haste to return to Benares, where the formation of a new government solicited his attention. To quiet the minds of the people, a proclamation was issued, offering pardon to all, with the exception of Cheyte Sing and his brother. A grandson of the Rajah Bulwant Sing, by a daughter, was selected as the future Rajah; and as his years, nineteen, or his capacity, appeared to disqualify him for the duties, his father, under the title

of Naib, was appointed to perform them in his name. Two important changes, however, were produced in the condition of the Rajah. His annual tribute was raised to forty lacs of rupees: and the police, with the civil and criminal jurisdiction of the city of Benares, and the criminal jurisdiction of the whole country, was taken out of his hands. It was alleged, that they had been wretchedly administered under his predecessor: and it was either not expected, or not desired, that he should be the author of an improvement. A separate establishment was erected for each, and the whole was placed under the superintendance of a native officer, who was denominated the Chief Magistrate of Benares, and made responsible to the Governor-General and Council. The power of the mint was also withdrawn from the Rajah, and entrusted to the resident at his court.

After possession was taken of Lutteefpoor, the army lost no time in marching to Bidgegur. The Rajah did not wait for their arrival, but fled for protection to one of the Rajahs of Bundelecund, "leaving," says Mr. Hastings, "his wife, a woman of an amiable character, his mother, all the other women of his family, and the survivors of the family of his father Bulwant Sing, in the fort." Mr. Hastings cuts very short his narrative of the transactions at Bidgegur, and only remarks, that it yielded by capitulation on the 9th of November. These transactions were not omitted by him, because they were devoid of importance. The Rannee, that is, the widow of the deceased Rajah, Bulwant Sing, endeavoured, before she opened the gates of the fort, which had been her own peculiar residence, to stipulate for some advantages, and among them for the safety of her own pecuniary and other effects; representing her son, as having carried along with him whatever belonged to

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himself.[1] Mr. Hastings manifested a desire to have her despoiled. What is more remarkable, in his letters to the commanding officer, he employed expressions which implied that the plunder of those women was the due reward of the soldiers; expressions which suggested one of the most dreadful outrages, to which, in the conception of the country, a human being could be exposed. The very words of the letter ought to be produced, that no inference may be drawn from it beyond what they evidently support. "I am this instant favoured with yours of yesterday. Mine

[1] The allegation, though it was possible that it might not be true, was at any rate highly probable. What he took away, Mr. Hastings describes in the following pompous terms; "As much treasure as his elephants and camels could carry, which is reported to me to have consisted of one lac of mohrs, and fifteen or sixteen of silver, besides jewels to an unknown amount." There could be no reason for his leaving behind any part of what belonged to him. "If he took as much as his elephants and camels could carry;" and if it amounted only to what the Governor-General is pleased to represent, the Rajah must have been badly provided with beasts of burthen. As the value of his jewels was "unknown," that is to say, no estimate was put upon them by rumour, it was probably known to be small; since rumour seldom fails to give a name to the amount of any portion of wealth, which, from its magnitude, it is led to admire. Besides, it has never been found, when the exaggerations of the fancy were suppressed, by the real discovery of the facts; that the value of the jewels of these eastern princes was very great. And, moreover, the Rajah of Benares was but a petty Prince; according to Mr. Hastings, a mere middle man, for collecting the Company's rents; no prince at all; and, therefore, could have had no great superfluity of wealth to bestow upon jewels. Over and above all which, his family had enjoyed their state only for some years of his father's life, and five or six of his own. But any great accumulation of jewels in any family was seldom the purchase of a few years, but the collection of several generations. And still further, it is to be considered, that neither the Rajah nor his father had ever enjoyed the whole of their revenues; but had always paid a large tribute, either to the Nabob of Oude, or to the English; and were subject moreover to the drain, both of wars and of exactions. It ought likewise to be taken into the account, that they had contented themselves with moderate imposts upon the people, who were rich; that is, had never been oppressed by rents severely screwed up. It is further evident, that if the Rajah had carried much wealth away with him, it must have somewhere afterwards appeared.

of the same date has before this time acquainted you with my resolutions and sentiments respecting the Rannee. I think every demand she has made to you, except that of safety and respect for her person, is unreasonable. If the reports brought to me are true; your rejecting her offers, or any negotiation with her, would soon obtain your possession of the fort, upon your own terms. I apprehend that she will contrive to defraud the captors of a considerable part of the booty, by being suffered to retire *without examination.* But this is your consideration, and not mine. I should be very sorry that your officers and soldiers lost any part of the reward to which they are so well entitled; but I cannot make any objection, as you must be the best judge of the expediency of the promised indulgence to the Rannee. What you have engaged for, I will certainly ratify; but, as to permitting the Rannee to hold the pergunnah of Hurlak, or any other, without being subject to the authority of the Zemindar, or any lands whatever, or indeed making any condition with her for a provision, I will never consent to it."[1] It was finally arranged, that the Rannee should give up the fort, with all the treasure and effects contained in it, on the express condition, along with terms of safety, that the persons of herself and of the other females of her family should be safe from the dishonour of search. The idea, however, which was suggested in the letter of Mr. Hastings, "that she would contrive to defraud the captors of a considerable part of the booty, by being suffered to retire without examination," diffused itself but too perfectly among the soldiery;

[1] It is remarkable, that of the inferences which are drawn from this letter, by Mr. Burke, in his Third Article of Charge, no notice whatsoever is taken by Mr. Hastings, in his Answer to that Charge, or indeed of any thing relative to the surrender of Bidgegur, and the fate of the prize money.

and when the Princesses, with their relatives and attendants, to the number of three hundred women, besides children, withdrew from the castle, the capitulation was shamefully violated; they were plundered of their effects; and their persons otherwise rudely and disgracefully treated by the licentious people and followers of the camp. One is delighted, for the honour of distinguished gallantry, that in no part of this opprobrious business the commanding officer had any share. He leaned to generosity, and the protection of the Princesses, from the beginning. His utmost endeavours were exerted to restrain the outrages of the camp; and he represented them with feeling to Mr. Hastings, who expressed his "great concern;" hoped the offenders would be discovered, obliged to make restitution and punished; and directed that recompense should be made to the sufferer, "by a scrupulous attention to enforce the performance of the remaining stipulations in her favour."[1]

The whole of the treasure found in the castle, of which the greater part did probably belonged to the Rannee, and not to the Rajah, amounted to 23,27,813 current rupees. The whole, therefore, of the treasure which the exiled Prince appears to have had in hand, not only to defray the current expenses of his government, but also to advance regularly the Company's tribute, was so far from answering to the hyperbolical conceptions or representations of the Governor-General, that it exceeded not the provision which a prudent prince would have thought it always necessary to possess.

The army proceeded upon the obvious import of the words of the Governor-General in the letter in which he seemed to desire, that they should not

[1] See his Letter, Tenth Report, Select Committee, Appendix, No. 3.

allow the female relations of the Rajah to leave the fort, without the examination of their persons. They concluded, that the whole of the booty was "the reward to which they were so well entitled," and divided it among themselves.[1] Among the practical conclusions deducible from his letter, it appears that this, at least, the Governor-General did not wish to receive its effect. He endeavoured to retract the permission which the army had inferred; and, by explaining away the terms which he had used, to recover the spoil for his exigencies of the government. The soldiers, however, both officers and men, refused to surrender what they had, upon the faith of the Governor-General, appropriated. Failing in this attempt, he endeavoured to prevail upon the army, in the way of loan, to aid the Company with the money, in its urgent distress. Even to this solicitation they remained obdurate. When Major Fairfax, in his examination before the Select Committee of the House of Commons, was asked, "whether the officers assigned any reason for refusing to obey the requisition of Mr. Hastings? he said, he heard it was, because the Rohilla prize-money had never been paid."[2]

[1] In a letter to the commading officer, without date, but supposed by the Select Committee to have been written early in November (vide Tenth Report, App. No.3) the Governor-General's words were still more precise, with regard to the booty. "If she (the Begum) complies, as I expect she will, it will be your part to secure the fort, and the property it contains, for the benefit of yourself and detachment."

[2] Second Report, ut supra, Appendix, No. 15. "Being asked, whether this was the sole reason? he said, it was. Being asked, whether he did not hear it alleged, that a promise was claimed by the officers from Mr. Hastings, that the prize-money, in the Rohilla war, when taken, should be the property of the captors? he said, He never heard of a promise previous to the capture; but he has heard that Mr. Hastings, after the prize-money was divided, promised, that if they would deliver it up, government would distribute it, in the manner they should think most proper."

Mr. Hastings was, therefore, not only frustrated as to every portion of that pecuniary relief which he expected from the supposed treasures of the Rajah Cheyte Sing; he added to the burden, under which the Company was ready to sink, the expense which was incurred by subduing the revolt.

It is but justice to the Court of Directors to record the resolutions, in which they expressed their opinion of the conduct, pursued by their principal servant in India, towards the unfortunate Rajah of Benares:

"That it appears to this Court, that on the death of Sujah Dowlah, 1775, a treaty was made with his successor, by which the zemindary of Benares, with its dependencies, was ceded in perpetuity to the East India Company:

"That it appears to this Court, that Rajah Cheyte Sing was confirmed by the Governor-General and Council of Bengal, in the management of the said zemindary (subject to the sovereignty of the Company) on his paying a certain tribute, which was settled at sicca rupees 22,66,180; and that the Bengal government pledged itself that the free and uncontroled possession of the zemindary of Benares, and its dependencies, should he confirmed and guaranteed to the Rajah and his heirs for ever, subject to such tribute, and that no other demand should be made upon him, nor any kind of authority or jurisdiction exercised within the dominions assigned him, so long as he adhered to the terms of his engagements:

"That it appears to this Court that the Governor-General and Council did, on the 5th of July, 1775, recommend to Rajah Cheyte Sing, to keep up a body of 2000 horse; but at the same time declared there should be no obligation upon him to do it:

"That it appears to this Court, that Rajah Cheyte Sing performed his engagements with the Company, in the regular payment of his tribute of sicca rupees 22,66,180:

"That it appears to this Court, that the conduct of the Governor-General towards the Rajah, while he was at Benares, was improper; and that the imprisonment of his person, thereby disgracing him in the eyes of his subjects and others, was unwarrantable, and highly impolitic, and may tend to weaken the confidence which the native princes of India ought to have in the justice and moderation of the Company's government."

That the conception, thus expressed by the Court of Directors, of the several facts which constituted the great circumstances of the case, was correct, the considerations adduced in the preceding pages appear to place beyond the reach of dispute. The sensibility which, in his answer, Mr. Hastings shows to the inferences which they present, is expressed in the following words: "I must crave leave to say, that the terms, improper, unwarrantable, and highly impolitic, are much too gentle, as deductions from such premises." History, if concealment were not one of the acts by which truth is betrayed, would, out of tenderness to Mr. Hastings, suppress the material part of that which follows, and which he gave in his defence:

"I deny, that the Bengal government pledged itself, that the free and uncontroled possession of the zemindary of Benares, and its dependencies, should be confirmed and guaranteed to the Rajah and his heirs for ever:

"I deny, that the Bengal government pledged itself that no other demand should be made upon him, nor any kind of authority or jurisdiction, within the

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dominions assigned him, so long as he adhered to the terms of his engagement:

"I deny, that I ever required him to keep up a body of 2000 horse, contrary to the declaration made to him by the Governor-General and Council, on the 5th of July, 1775, that there should be no obligation to him to do it:

"My demand (that is, the demand of the Board) was not that he should maintain any specific number of horse, but that the number which he did maintain should be employed for the defence of the general state:

"I deny, that Rajah Cheyte Sing was bound by no other engagements to the Company, than for the payment of his tribute of sicca rupees 22,66,180:

"He was bound by the engagements of fealty, and absolute obedience to every order of the government which he served.

"I deny, that the Rajah Cheyte Sing was a native Prince of India."[1]

[1] On equal grounds might the denial have been set up, that the Company held the dignity of a prince of India. They were not only the subjects of Shah Aulum, but the subjects of the Nabob of Bengal; and, according to the doctrine of Mr. Hastings, "bound by the engagements of fealty, and absolute obedience to every order of the government which they served." Hear what the Governor-General and Council themselves declare respecting their subordinate relation to that Nabob, in their secret letter (Second Report, ut supra, p. 22), 3d August, 1775. "In the treaties entered into with the late Vizir, in the years 1765, 1770, the Company's representatives acted, as plenipotentiaries from the Nabob Nujum ul Dowlah, and his successor Syef ul Dowlah." Hastings's plan of defence was this: To avail himself of the indefiniteness and uncertainty which surrounded every right, and every condition in India; and out of that to manufacture to himself a right of unbounded despotism. There is one remark, however, to which he is, in justice, entitled; that this indefiniteness, and the latitude of authority, the exercise of which was, in the practice of the country, never bounded by any thing but power, constituted a snare into which it was very difficult not to fall. It is also to be remembered that it is one thing to act under the casual and imperfect information of the moment of action, agitated by the passions which the circumstances themselves produce; and a very different thing

Mr. Hastings says, "I forbear to detail the proofs of these denials;" and as the pleas involved in them coincide with those allegations of his which have been examined above, it is only necessary to refer to what has there been adduced.[1] The Court of Directors, notwithstanding their condemnation of the treatment which the Rajah had received, and notwithstanding the manner in which, by a train of unhappy circumstances the trial of arms was forced upon him, thought proper to declare, that his dethronement and proscription were justified by the war.[2]

It was shortly after his retreat to Chunar, that the Governor-General received from Colonel Muir the intelligence, that Mahdajee Scindia had offered terms of peace. This was an event, calculated to afford him peculiar satisfaction. One of the ostensible objects of his journey was, to confer with the Minister of the Rajah of Berar, who was expected to meet him at Benares; and, through the influence of

to sit in judgment upon those acts, at a future period, when all the evidence is fully before us, illustrated by the events which followed, and when we are entirely free from the disturbance of the passions which the scenes themselves excite. It is the business of history, to exhibit actions as they really are; but the candid and just will make all the allowance for the actors, of which the case will admit. With regard to Mr. Hastings, it ought to be allowed, that the difficulties under which he acted were very great; and might be expected to betray any but a very extraordinary man into expedients for relief which would not always bear examination. Mr. Hastings deserves no hypocritical tenderness with regard to the instances in which he violated the rules of justice or of policy; but he deserves credit, in considerable, and perhaps a large degree, for having, in his situation, violated them so rarely.

[1] Vide supra, p. 330—40.

[2] The official documents relative to this passage of the history of India are found, in a most voluminous state, in those parts of the Minutes of evidence on Mr. Hastings's Trial, which relate to the Benares Charge; in the Second Report of the Select Committee of the House of Commons, (1781) and its Appendix; in the Third of the Articles of Charge, and Answer to it, with the Papers called for by the House of Commons to elucidate that part of the accusation.

BOOK V. CHAP. 7. 1781.

the government of that country, to accelerate the conclusion of a peace. That Minister, however, died before the arrival of Hastings; and the loss of his intervention rendered the pacific intentions of Scindia more peculiarly gratifying. So far back as February, 1779, the Presidency of Bombay had recommended the mediation of Scindia, as that which alone was likely to render any service. The Colonel immediately received his instructions, for a treaty, on the terms either of mutual alliance, or of neutrality; and either including the Peshwa, or with Scindia individually. If it included the Peshwa, the Colonel was authorized, to cede every acquisition, made during the war, except the territory of Futteh Sing Guicowar, Lahar, and the fortress of Gualior; and to renounce (but without the surrender of his person) the support of Ragonaut Row. He was instructed to retain Bassein, if it were possible, even with the surrender, in its stead, of all the territory (Salsette with its ad jacent islands and the moiety of Baroach excepted,) ceded by the treaty of Colonel Upton; but not to allow Bassein itself to be any obstruction to the conclusion of peace.

When the separate treaty was concluded with Scindia, who undertook to mediate with the Mahratta powers, the Governor-General who had not yet departed from Benares, sent Mr. Anderson and Mr. Chapman; the former to the court of Scindia, with full powers to negotiate and conclude a peace with the Poonah government; the latter to the court of the Rajah of Berar, to perform what was in his power towards the accomplishment of the same object.

The business was not very speedily, nor very easily concluded. The Poonah ministers, solicited for peace by the three English Presidencies at once, though they were somewhat shaken in their opposition, by

the defection of Scindia from the war, by the steadiness with which the English sustained themselves against Hyder, by the facility with which they had subdued the Rajah of Benares, and the vigour with which they carried the war almost to the gates of Poonah, were yet encouraged by the pressure which the English sustained, and still more, perhaps, by the eagerness which they manifested for peace.

Colonel Goddard, not yet informed of the steps which had been taken by Mr. Hastings for urging the business of peace with the Poonah ministers, deemed it necessary, in pursuance of the powers for treating and concluding, with which he was invested, to commence a formal negotiation. And he gave the requisite commission to Mr. Watherstone, who arrived at Poonah on the 14th of January, 1782.

The cunning of the Poonah Ministers taught them the advantage of negotiation with two ambassadors, acting under separate commissions; who, by the desire of attaining the object for which they were sent, might be expected to bid against one another, and give to the Mahrattas the benefit of an auction in adjusting the terms of peace. They pretended therefore, to be puzzled with two sets of powers; though they laboured to retain Col. Watherstone, after he was recalled. They put on the forms of distance; and stood upon elevated terms. Scindia, too, who meant to sell his services to the English very dear, was displeased at the commission sent to solicit the interference of the government of Berar. The extensive sacrifices, however, which the English consented to make, the unsteadfast basis on which the power of the leaders at Poonah was placed, and the exhausted state of the country, from the long continuance of its internal struggles, as well as the drain produced by the English war, triumphed over all difficulties; a

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cessation of hostilities was effected early in March; and a treaty was concluded on the 17th of May.

Not only the other territories which the English had acquired during the war, but Bassein itself, the city also of Ahmedabad, and all the country in Guzerat which had been gained for Futty Sing, were given up; and the two brothers, the Guicowars, were placed in the same situation, both with respect to one another, and with respect to the Peshwa, as they stood in previous to the war. Even of the territory, which had been confirmed to them by the treaty of Colonel Upton, the English agreed to surrender their pretensions to a part (yielding annually three lacs of rupees), which had not yet come into their possession when the war was renewed. And all their rights in the city and territory of Baroach, valued at 200,000*l.* a year, were resigned, by a separate agreement, to Scindia and his heirs for ever. To Scindia was also given up, by the liberty of seizing it, the territory, including the fort of Gualior, of the Rana of Gohud; who had joined the English, but, as usual in India with the petty princes, who choose their side from the hope of protection on the one hand and the dread of plunder on the other, had been neither very able nor very willing, to lend great assistance. Having given offence by his defect of service, and created suspicions by his endeavours to effect a separate reconciliation with Scindia; he was, in adjusting the terms of the treaty with Scindia, left to his fate. The amity of Scindia was purchased, by still further sacrifices, which evince but little foresight. The project of Scindia for invading the territories of the Mogul Emperor, those of Nujeef Khan, and those of other chiefs in the province of Delhi and the adjoining regions, was known and avowed: And it was, intentionally, provided, that no obstruction, by the

treaty with the English, should be offered to the execution of those designs.[1]

All that was stipulated in behalf of Ragonaut Row was a period of four months, in which he might choose a place for his residence. After that period the English agreed to afford him neither pecuniary nor any other support. The Peshwa engaged, on the dangerous condition of his residing within the dominions of Scindia, where he was *promised* security, to allow him a pension of 25,000 rupees per month.

An article was inserted respecting Hyder Ali, to which we have scarcely information to enable us to attach any definite ideas. The Mahrattas engaged, that within six months after the ratification of the treaty, he should be compelled to relinquish to the English, and their allies, all the places which he had taken from them during the war: But neither did the Mahrattas perform, nor did the English call upon them to perform, any one act toward the fulfilment of this condition. The English, on their part, engaged that they would never make war upon Hyder till he made war upon them; an engagement to which they

[1] The letter of instructions of the Governor-General to Col. Muir says, "We are under no engagements to protect the present dominions of the King, or those of Nudjiff Khan, and the Rajah of Jaynagur; and if peace is settled betwixt Madajee Scindia and us, I do not desire that he should be restrained in carrying into execution any plans which he may have formed against them; at the same time, I think it necessary to caution you against inserting any thing in the treaty, which may expressly mark either our knowledge of his views or concurrence in them. It will be sufficient for us (and Scindia ought to be satisfied with the latitude implied in it) if he is only restricted in the treaty from making encroachments on our own territory and those of our allies." Second Report, ut supra, App. No. I. By the way, we may here remark, how enormous a difference exists, between the obligations of fealty which Mr. Hastings imposed upon himself (as representative of the Company) towards his undoubted Sovereign the Mogul; and the obligations which, as supposed sovereign of Cheyte Sing, he exacted (on the same ground) from that unfortunate chief. Vide supra, p. 356.

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The Mahrattas also agreed, and to this the imaginations of the English attached a high importance, that, with the exception of the ancient Portuguese establishments, they would permit no other nation, except the English, to open with them any friendly intercourse, or to erect a factory within their dominions.

The terms of this agreement, the gentlemen of the Presidency of Bombay arraigned as inadequate, nay humiliating; and declared, that had the negotiation been left to them and to Goddard, who best knew

[1] In the twentieth article of charge, we have Mr. Burke's view of the case. He says, that Mr. Hastings did wish to engage with the Mahrattas in a plan for the conquest and partition of Mysore; that in order to carry this point, he exposed the negotiation to many difficulties and delays; that the Mahrattas, who were bound by an engagement with Hyder to make no peace with the English in which he was not included, pleaded this sacred obligation; but Hastings undertook to instruct even the Mahrattas in the arts of crooked faith by showing how they might adhere to the forms of their engagement, while they violated the substance; and what is most heinous of all, that Hastings, having effected the assent of the Mahrattas to the article which is inserted in the treaty, and led by his desire of conquest, opposed obstructions to the conclusion of a peace with the son and successor of Hyder Ali; that it was for this reason he endeavoured to bind the hands of the Presidency of Fort St. George, by withholding his authority from the negotiation; and that it was not till after a long experience of the total absence of any intention on the part of the Mahrattas, to engage with him in his schemes upon Mysore, and till he was assured of the fact by his agent at the court of Scindia, that his late and reluctant assent to the negotiation was obtained; and that, after the peace was concluded, and ratified by the Supreme Council, from which, he was absent, and of which, by reason of his absence, he formed not a part, he endeavoured to break it, or at least exposed it wantonly to the greatest danger of being broken, by insisting that its formal conclusion and ratification should be of none effect, and that it should be opened again for the purpose of inserting the useless, if not mischievous, formality of an article, admitting as a party the Nabob of Arcot. These imputations receive all the confirmation conveyed by an answer, which, passing them over in silence, appears to admit them.

the state of the Mahratta government, and with what facility it might have been induced to lower its tone, a far more favourable treaty might have certainly been obtained.

CHAP. VIII.

Burdens sustained by the Nabob of Oude—His Complaints—How received by the English—Mr. Bristow removed from Oude—Agreement between Mr. Hastings and the Nabob—The Begums despoiled—Whether the Begums incited Insurrection—Alleged Oppressions of Colonel Hannay—The head Eunuchs of the Begums tortured—A present of ten Lacs given to Mr. Hastings by the Nabob—Governor-General accuses Middleton, and re-places Bristow—Treatment received by Fyzoolla Khan—Decision by the Court of Directors, relative to the Begums—Set at nought by Mr. Hastings—Governor-General's new Accusations against Mr. Bristow—Governor-General's Plan to remove the Residency from Oude—Governor-General repeats his visit to Oude—Resigns the Government—Financial Results of his Administration—Incidents at Madras.

BOOK V. CHAP. 8. 1781.

THE next of the great transactions to which the presence of the Governor-General, in the upper provinces, gave immediate existence, was the memorable arrangement which he formed with the Nabob of Oude. In his payments to the Company, that Nabob had fallen deeply in arrear; and the extreme pecuniary distress endured by the Company,[1] rendered

[1] Even the pay of the troops was, every where, four and five months in arrear.

it necessary to devise the most effectual means for obtaining what he owed. His country, however, had, by misgovernment, fallen into the greatest disorder. The Zemindars were almost every where in a state of disobedience; the country was impoverished; and the disposition of the people, either deserting it or pining with want, threatened the evils, or promised the blessings, of a general revolt.[1] Before the connexion between the English and Oude, its revenue had exceeded three millions sterling, and was levied without being accused of deteriorating the country. In the year 1779, it did not exceed one half of that sum, and in the subsequent years fell far below it, while the rate of taxation was increased, and the country exhibited every mark of oppressive exaction.

By the treaty of Fyzabad, formed with the late Nabob, at the conclusion of the Rohilla war, it was agreed, that a regular brigade of the Company's troops should, at the expense of the Nabob, be kept within the dominions of Oude. Even this burden was optional, not compulsory; and the Court of Directors gave their sanction to the measure, "provided it was done with the free consent of the Subah, and by no means without it."[2]

To the first was added, in the year 1777, a second, called the *temporary* brigade, because the express condition of it was, that the expense should be charged on the Nabob "for so long a time only as

[1] The Minute in which the Governor-General introduced the subject of his journey to the upper provinces, begins in these words; "The province of Oude having fallen into a state of great disorder and confusion, its resources being in an extraordinary degree diminished, and the Nabob Asoph ul Dowla," &c. Tenth Report of the Select Committee in 1781, App. No. 2.

[2] Letter of Directors to the Governor-General and Council, dated 15th December, 1775.

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he should require the corps for his service." The Court of Directors were still more anxious, in this case than in the former, to determine, that the burthen should not be fastened upon the Nabob, contrary to his will: "If you intend" (say they, addressing the Governor-General and Council) "to exert your influence, first, to induce the Vizir to acquiesce in your proposal; and afterwards to compel him to keep the troops in his pay during your pleasure, your intents are unjust, and a correspondent conduct would reflect great dishonour on the Company."

Even the temporary brigade did not put a limit to the expense for English soldiers whom the Nabob was drawn to maintain. Several detached corps, in the Company's service, were also placed in his pay; and a great part of his own native troops were put under the command of British officers.

In the year 1779, the expense of the *temporary* brigade, and that of the country troops under British officers, increased, the one to the amount of more than eighty, the other of more than forty thousand pounds sterling, above the estimate. These particulars, however, constituted only the military part of his English expense. The civil expense resulted from an establishment under the resident, which, without any authority from the Court of Directors, or any record in the books of the Council, had gradually and secretly swelled to a great amount; and was encreased, by another establishment for another agent of the Company, and by pensions, allowances, and large occasional gifts, to various persons in the Company's service.

In that year, viz. 1779, the Nabob complained that the pressure was more than he was able to endure. "During three years past," said he, "the expense occasioned by the troops in brigade, and others com-

manded by European officers, has much distressed the support of my household; insomuch, that the allowances made to the seraglio and children of the deceased Nabob have been reduced to one fourth of what it had been, upon which they have subsisted in a very distressed manner for two years past. The attendants, writers, and servants, &c. of my court, have received no pay for two years past; and there is at present no part of the country that can be allotted to the payment of my father's private creditors, whose applications are daily pressing upon me. All these difficulties I have for these three years past struggled through, and found this consolation therein, that it was complying with the pleasure of the Honourable Company, and in the hope that the Supreme Council would make enquiry from impartial persons into my distressed situation; but I am now forced to a representation. From the great increase of expense, the revenues were necessarily farmed out at a high rate and deficiences followed yearly. The country and cultivation is abandoned. And this year, in particular, from the excessive droughts, deductions of many lacs[1] have been allowed the farmers, who are still unsatisfied.—I have received but just sufficient to support my absolute necessities, the revenues being deficient to the amount of fifteen lacs;[2] and for this reason, many of the old chieftains, with their troops, and the useful attendants of the court, were forced to leave it, and there is now only a few foot and horse for the collection of my revenues; and should the Zemindars be refractory, there is not left a sufficient number to reduce them to obedience."

[1] Stated by the resident, in his letter, dated 13th December, 1779, to amount to twenty-five lacs, 250,000*l*.

[2] 150,000*l*.

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In consequence of these distressing circumstances, the Nabob prayed, that, the assignments for the new brigade, and the other detached bodies of the Company's troops, might not be required, declaring that these troops were "not only quite useless to his government, but, moreover, the cause of much loss, both in the revenues and customs; and that the detached bodies of troops, under their European officers, brought nothing but confusion into the affairs of his government, and were entirely their own masters."[1]

This representation, which events proved to be hardly an exaggeration, and the prayer by which it was followed, the Governor-General received, with tokens of the highest indignation and resentment. "These demands," he said, "the tone in which they are asserted, and the season in which they are made, are all equally alarming." In the letter which was dispatched in his words to the resident, the grounds on which the Nabob petitioned for relief are declared to be "totally inadmissible.—He stands engaged," it is added, "to our government, to maintain the English armies which, at his own request, have been formed for the protection of his dominions, and it is our part, not his, to judge and to determine, in what manner, and at what time, these shall be reduced or withdrawn." In his minute, in consultation, upon the subject, he says, that, by the treaty made with Asoph ul Dowla, upon the death of his father, "he became, eventually, and necessarily, a vassal of the Company." He affirmed that "the disorders of his state, and the dissipation of his revenues, were the effects of his own conduct, which had failed, not so much from the casual effects of incapacity, as from the detestable choice which he has

[1] Tenth Report, ut supra, Appendix, No. 7.

made of the ministers of his power, and the participators of his confidence."[1] And to the Nabob himself he declared, "Your engagements with the Company are of such a nature as to oblige me to require and insist on your granting *tuncaws* for the full amount of their demands upon you for the current year, and on your reserving funds sufficient to answer them, even should the deficiency of your revenues compel you to leave your own troops unprovided for, or to disband a part of them to enable you to effect it."[2]

The difficulties, under which the Governor-General was placed, were severe and distressing. It is true, that the protection of the Nabob's dominions rested solely upon the British troops, and that without loss of time they would have been over-run by the Mahrattas, had those troops been withdrawn; it is true, that the debt due to the Company would, in that case, have been lost; that a dangerous people would have been placed upon the Company's frontier; that the Company's finances, always in distress, and then suffering intensely by war, could not maintain the same number of troops, if their pay was stopped by the Vizir. And the law of self-preservation supersedes that of justice. On the other hand, from the documents adduced, it is evident, that the English had no *right* to compel the Nabob, if not agree-

[1] The words which follow sufficiently indicate the species of companions which he meant: "I forbear to expatiate further on his character; it is sufficient that I am understood by the Members of the Board, who must know the truth of my allusions." Lord Thurlow, the friend of Hastings, and his fierce defender on his trial, speaks out plainly, and calls them, without reserve, the instruments of an unnatural passion. See "Debates in the House of Lords, on the Evidence delivered at the Trial of Warren Hastings," &c.; a quarto volume got up by Mr. Hastings, and distributed to his friends, but never published.

[2] Tenth Report, ut supra, Appendix, No. 7.

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able to him, to maintain any part of those their troops; and the Governor-General was not entitled, as he did, to plead, at once, both the law of self-preservation, and the law of right. The truth also is, that his law of self-preservation, when examined, and brought into conformity with the facts, implies a strong convenience, and nothing more. It was very convenient for the English at that time, to have a large body of troops maintained by a different treasury from their own. But it will hardly be maintained, at any rate by the friends of Mr. Hastings, that in his hands the British empire in India must have been destroyed, had it been compelled to rely upon its own resources. It was for a great convenience, then, and for nothing else, that the English, without any claim of right, compelled the Nabob Vizir to maintain their troops; that is, treated him as the vassal which Mr. Hastings described him, and substantially seized and exercised the rights of sovereign and master over both him and his country.

Another point well deserves to be considered; whether the original brigade of the Company's troops was not a force sufficient to protect the Nabob's country, against all the dangers with which it was threatened. If the English, who included in their own line of defence the boundaries of Oude, did not provide their due proportion, but impose the whole upon the Nabob, they defended themselves at his expense; they delivered themselves from a burthen, which was their own, and, by compelling the Nabob to bear it, violated the laws of justice.

It is also a question, whether the troops, quartered upon him in addition to that brigade, as they were kept in idleness in his dominions, were not, with all their expense, of little use either to him or the Company. As they were not employed against the ene-

mies of the Company, they could be of little use in repelling them; and the complaint of the Vizir that they and their officers acted as the masters in his country, and as a source both of expense and of disorder, is confirmed by Mr. Francis, who, in Council, pronounced it "notorious, that the English army had devoured his revenues, and his country, under colour of defending it." [1]

The Governor-General, when pressed for argument, made the following avowal: That ambiguities had been left in the treaty: And that it was the part of the strongest to affix to these ambiguities that meaning which he pleased.[2] That this is a very common political procedure, every one knows. The allegation, however, in its essence, is, it is evident, only a varnish placed upon injustice by fraud. In the present case, besides, it happened, by a singular chance, that ambiguity had not existence, and the allegation of it was false. "So long only as the Nabob pleased," was the express condition of the compact; and the moment at which the Nabob desired relief, the most exact definition was applied.

The Governor-General surmised a circumstance, which always seems to have animated him to peculiar severity; that the idea of the instability of the existing government was among the causes which emboldened the Nabob to complain. "I, for my

[1] Extract of Bengal Consultations, 15th December, 1779; Tenth Report, ut supra, Appendix, No. 7.

[2] His words are these, "As no period was stipulated for the continuance of the temporary brigade, or of the troops which are to supply their place in his service, nor any mode prescribed for withdrawing them; the time and mode of withdrawing them must be guided by such rules, as necessity, and the common interests of both parties, shall dictate. These, either he must prescribe, or ourselves. If we cannot agree upon them, in such a divison, the strongest must decide." Ibid.

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own part," said he, "do not attribute[1] the demand of the Nabob to any conviction impressed on his mind by the necessity of his affairs; but to the knowledge which his advisers have acquired, of the weakness and divisions of our own government. This is a powerful motive with me, however inclined I might be, upon any other occasion, to yield to some part of his demands, to give them an absolute and unconditional refusal in the present; and even to bring to punishment, if my influence can produce that effect, those incendiaries who have endeavoured to make themselves the instruments of division between us."[2]

Under the enormous demands of the English, and the Nabob's inability to meet them, the debt with which he stood charged in 1780 amounted to the sum of 1,400,000*l.* The Supreme Council continued pressing their demands. The Nabob, protesting that he had given up every thing, that "in the country no further resources remained, and that he was without a subsistence," continued sinking more deeply in arrear: Till the time when the resolution of Mr. Hastings was adopted, to proceed to make with him a new arrangement upon the spot.

As a step preliminary to the affairs which the Governor-General meant to transact with the Nabob, he withdrew the resident, Mr. Bristow. This gentleman had been appointed by the party of General Clavering, when they removed Middleton, the pri-

[1] It would be very curious, if the Governor-General at the commencement of the year 1780, was totally ignorant of the ruin of the Nabob's finances; and in eighteen months afterwards, viz. at the time of his journey to the upper provinces, was so convinced of that ruin, as to make it the principal ground of the extraordinary procedure which he adopted, when he, allowing the inability to be real, removed the brigade and other objects of complaint.

[2] Extract of Bengal Consultations, 15th December, 1779; Tenth Report, ut supra, Appendix, No. 7.

vate agent of Mr. Hastings: The Governor-General had removed him soon after the time when he recovered his superiority in the Council: The Court of Directors had ordered him to be replaced, as unjustly and improperly removed: Mr. Hastings, in disobedience of these orders, had refused to replace him, till it became a condition of the compromise into which he entered with Francis: And he now removed him again with a fresh violation of the authority of the Court of Directors, in conformity with whose orders he occupied the place. Mr. Middleton was again appointed, on the reason, notwithstanding the condemnation of the Court of Directors, again avowed, that a person in the Governor-General's own confidence was necessary in that situation.

As the Governor-General intended to make a very short stay at Benares, and then proceed to Lucknow, the Nabob had already left his capital, in order to pay him the usual compliment of a meeting, when he received intelligence of the insurrection. Mr. Hastings, who wished not for the interview in a state of humiliation, or under the appearance of receiving protection from his ally, endeavoured by a letter to make him return to his capital. But the Nabob was eager to show the interest which he took in the fate of the Governor-General, or eager to know the situation in which he was placed; and hastened with but a few of his attendants to Chunar. The English ruler was at pains to afford him a cordial reception. And with little debate or hesitation they made a memorable arrangement. In consequence of "the repeated and urgent representations of the Nabob, that he is unable to support the expenses of the temporary brigade of cavalry, and English officers with their battalions, as well as other gentlemen who are now paid by him," (such are the terms of the preamble to the

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covenant) it was agreed, on the part of the Governor-General, that from the expense of the temporary brigade, and of all other English troops, except the single brigade left with Suja ul Dowlah, and a regiment of sepoys for the resident's guard; and from the expense of all payments to English gentlemen, excepting those of the resident's office; the Nabob should be relieved.[1] According to another article, permission was granted him to resume such of the jaghires within his territories, as he himself might choose, with only this reservation, that a pension equal to the net rent should be paid to the holders of such of them as had the Company for their guarantee. An article was also inserted, according to which the Nabob was to be allowed, when the suitable time should arrive, to strip Fyzoolla Khan of his territory, allowing him only a pension in its stead.

Such was all that was seen on the face of this agreement; where no advantage to the English appeared. The circumstances, however, which consti-

[1] See page 372, where it appears that Hastings, little more than a year before, treated as *incendiaries*, and threatened with punishment, those advisers, by whose suggestion he deemed it proper to assume that the Nabob implored the relief which was now granted, and so much as stated those sufferings of the country which the Governor-General now held studiously up to view. To threaten to punish the representation of grievances, as Burke justly on this passage remarks, is to endeavour to obstruct one of the most sacred duties of a dependant prince, and of his advisers; a duty in the highest degree useful both to the people who suffer, and to the governing power. It affords a curious moral spectacle to compare the minutes and letters of the Governor-General, when maintaining, at the beginning of the year 1780, the propriety of compelling the Nabob to sustain the whole of the burthen imposed upon him; and his minutes, and letters, when maintaining the propriety of relieving him from these burthens in 1781: The arguments and facts adduced on the one occasion, as well as the conclusion, are in flat contradiction to those exhibited on the other. See the Documents in the Second and Tenth Reports, ut supra; printed also for the House of Commons on the 16th of Burke's Charges: and in the Minutes of Evidence on the Trial.

tuted the real nature of the transaction were only behind the curtain.

1781.

There were two Princesses, known by the name of the Begums; the one, the mother of Sujah Dowla, the late Nabob; the other, the widow of the late Nabob, and mother of the present. These Princesses the preceding sovereign had always treated with the highest consideration and respect; and allowed them a magnificent and expensive establishment. At the death of Sujah Dowla, those Princesses, according to the custom of India, were left in possession of certain jaghires; that is, the government portion of the produce of a part of the land, over which, for the greater certainty of payment, the holder of the jaghire was allowed the powers of management and collection. This was the fund, from which the Begums provided for their state and subsistence; and for the state and subsistence of the numerous families of the preceding Nabobs, placed under their superintendance. Sujah Dowla, at his death, had also left to the Begums the greater part of the treasure which happened to be in his hands; and imagination swelled the sum to a prodigious extent. Mr. Hastings had been disappointed in the mine which he expected to drain at Benares. His power and reputation depended upon the immediate acquisition of money. In the riches of the Begums appeared to lie an admirable resource. It was agreed between Mr. Hastings and the Nabob, that his Highness should be relieved from the expense, which he was unable to bear, of the English troops and gentlemen; and he, on his part, engaged to strip the Begums of both their treasure and their jaghires, delivering to the Governor-General the proceeds.[1]

[1] To enable the Nabob, "to discharge his debt to the Company in the shortest time possible," that is, to get money from him; "and to

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This transaction, however objectionable it may at first sight appear, Mr. Hastings represented as attended with circumstances which rendered it not only just but necessary. The weight of these circumstances ought to be carefully and impartially considered.

In the year 1775, not long after the death of Sujah Dowla, his widow, the mother of the reigning Nabob, complained, by letter, to the English government, of the treatment which she received from her son. She stated that various sums, to the extent of twenty-six lacs of rupees, had been extorted from her, under the plea of his being in want of money to discharge his obligations to the English chiefs; and that a recent demand had been urged for no less than thirty lacs, as absolutely necessary to relieve him, under his engagements to the Company; and to save his affairs from a ruinous embarrassment. Upon the faith of the English government, to which alone she would trust, she agreed to make this sacrifice; and it was solemnly covenanted, on the part of her son, and guaranteed on the part of the English government, that no further invasion should ever be made upon her, in the full enjoyment of her jaghires and effects, whether she resided within the dominions of Asoph ul Dowla, or chose to reside in any other place. This agreement was far from producing peace between the Nabob and the Begums. Perpetual complaints of injurious treatment were made by the Princesses, and the business of mediation was found by the English resident a difficult and delicate task.

In the beginning of the year 1778, those dissen-

prevent his alliance from being a clog instead of an aid;" that is, costing money, instead of yielding it, is declared by the Governor-General to have been "the chief object in his negotiations with the Nabob." Letter to Mr. Middleton, 23d September, 1781.

sions arose to a great height, and the aged Princess, "whose residence the treatment of her grandson" (to use the words of Mr. Middleton, the resident) "seems to have rendered irksome and disgusting to her," resolved to abandon his dominions, and repair on a pilgrimage to Mecca. To the execution of this design, the Nabob was exceedingly averse; because it would withdraw, from the sphere of his power, the great treasure which he imagined she possessed, and which at her death, if not before, he could render his own. Both the Nabob and his grandmother applied to the resident; the one for the purpose of procuring his influence to prevail upon the Begum to remain; the other for the purpose of procuring it to induce the Nabob to allow her to depart. The Begum complained that she was subject to daily extortions and insults; that the Nabob withheld the allowance which had been established by the late Vizir for the maintenance of the family of her deceased husband; that he had resumed the jaghires and emoluments of her servants and dependants; that he had made no provision for the maintenance of the women and children (a very numerous family) of the late Vizir, his own father; that the education and condition of the children were wholly neglected; and that the favourites of the Nabob were allowed, and even encouraged, to degrade his family by their oppressions and insults. The resident reported to the Governor-General and Council, that "the deportment of the Nabob toward her, his family, and relations in general, was, he could not but admit, very exceptionable; that her claims were very moderate and just, and such as it would be natural to suppose the Nabob could not in decency refuse.' He even suggested, if the Nabob should refuse to comply with these reasonable demands, "that the influence of the English

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government should be exerted, to secure to the Begum whatever might appear to be her rights;" in which case he doubted not that her design of departing with her treasure would be willingly abandoned.

While the resident was endeavouring, but without success, to prevail upon the Nabob to afford to his grandmother a reasonable satisfaction, he received from the second of the Princesses a representation of the violations which had been committed by her son of the conditions of the recent treaty; a treaty which she called upon the English government, in quality of its guarantee, to protect. The resident in vain endeavoured to improve the behaviour of the Nabob; and, in reporting upon his disappointment, observes, "I have on all occasions, as much as possible, avoided troubling the Honourable Board with any matters which reflect upon the conduct or government of the Nabob, wishing rather to check and obviate abuses, by friendly admonitions and remonstrances to his Excellency himself, than to correct them by an appeal to your authority. But such is his Excellency's disposition, and so entirely has he lost the confidence and affections of his subjects, that, unless some restraint is imposed upon him, which would effectually secure those who live under the protection of his government, from violence and oppression, I am but too well convinced, that no man of reputation or property will long continue in these provinces."[1]

On the 23d of March, the Council-General, in which Mr. Hastings had then the ascendant,[2] took under their consideration the complaints of the Be-

[1] Mr. Middleton's Letter to Gov.-Gen. and Council, dated Fyzabad, 3d Feb. 1778. Report, ut supra.

[2] The members were, Mr. Hastings, Mr. Barwell, Mr. Francis, Mr. Wheler.

gums. With regard to the eldest of the Princesses, and those of the relations and subjects of the Nabob, in favour of whom the guarantee of the Company was not interposed, they held themselves incapable, in any other way than that of remonstrance and by tokens of displeasure, to oppose the oppressions of the Nabob. But as they had become parties to a treaty for the protection of the second of the Begums, the mother of the Nabob, they determined to make use of their authority on her behalf. On the rapacity which he had practised with respect to the elder of the Begums, and some of his other relations, their instructions to the resident were in the following words, "We desire you will repeat your remonstrances to the Vizir on these points, in the name of this government; representing to him the consequences of such an arbitrary proceeding; the reproach to which his honour and reputation, as well as ours, from being connected with him, will be exposed, by such acts of cruelty and injustice; and the right which we derive, from the nature of our alliance with him, to expect that he will pay a deference to our remonstrances." They add, "with respect to the Bow Begum (the mother of the Nabob), her grievances come before us on a very different footing. She is entitled to our protection, by an act, not sought by us, but solicited by the Nabob himself. We therefore empower and direct you, to afford your support and protection to her, in the due maintenance of all the rights she possesses, in virtue of the treaty executed between her and her son, under the guarantee of the Company."[1]

[1] Report, ut supra. The documents to which reference is here made, were all reprinted, both in the papers called for by the House of Commons, and in the Minutes of Evidence, taken at the Trial in Westminster Hall.

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Such was the light in which the relative conduct of the Nabob and the Begums appeared to the Governor-General and Council, in 1778; and on the footing which was then established, matters between them remained, till the meeting between Mr. Hastings and Asoph ul Dowla at Chunar, in 1781, when the Nabob was, by treaty, allowed to seize the property of the Princesses, and of others his relations; and, on the condition of bestowing that property upon the English, actually rewarded for the seizure, by obtaining relief from a permanent and oppressive expense. The reasons which Mr. Hastings adduced for this proceeding are, that the Begums had endeavoured to excite insurrection in Oude in favour of Cheyte Sing, and that they employed their power and influence to embarrass and disturb the Nabob's administration.

If the testimony of an accuser shall pass for proof, when that accuser derives great advantage from the supposition of guilt, and great loss from the supposition of innocence, no individual is under protection. It is further to be remarked, that the insurrection at Benares happened on the 16th of August; and the treaty by which the Nabob was authorized to resume the jaghires was signed at Chunar, on the 19th of September. The Begums, who had first to hear of the insurrection at Benares, and then to spread disaffection through a great kingdom, had, therefore, little time for the contraction of guilt. Besides, when the government of the Nabob, as the English themselves so perfectly knew, had fallen into contempt and detestation with all his subjects, it was very natural to suppose, that the servants and dependants of the Begums, who were among the severest of the sufferers, would not be the least forward in exhibiting their sentiments. And as the seclusion of the

Begums rendered it impossible for them to superintend the conduct of their servants abroad, they were less than other people responsible for their conduct.

But the observation of greatest importance yet remains to be adduced. What was the proof, upon the strength of which the Begums were selected for a singular and aggravated punishment? Answer; no direct proof whatsoever. Hardly an attempt is made to prove any thing, except a *rumour*. Mr. Hastings's friends are produced in great numbers to say that they heard a *rumour*. Upon allegation of a *rumour*, that the Begums abetted Cheyte Sing, judgment was pronounced, and punishment followed.

Before a just judgment can be pronounced, and punishment can be justifiably inflicted, it is necessary that trial should take place, and that the party accused should be heard in his defence. Was this justice afforded the Begums? Not a tittle of it. So far from it; that Mr. Hastings, while yet in the heat of the insurrection at Chunar, when the Begums had scarcely had time to rebel, much less had he had time to make any inquiry into the imputation of guilt; at a moment when all was confusion, alarm, and hurry; when every thing was ready to be reported, and every thing to be believed; pronounced a final judgment, to supersede the guarantee of the English government, to strip the Princesses of Oude of their estates, and give them up helpless into the hands of the Nabob.

Of the evidence adduced upon this important point, it is highly requisite to give a short account. If any thing be indispensable to righteous judgment it is, that evidence should first be collected, and judgment follow after. Mr. Hastings pronounced judgment, and sent his instrument, the Nabob, to inflict punishment in the first place. Some time after all this

was done, he then proceeded to collect evidence. But evidence of what sort? He brought forward persons who, he knew (or might know) beforehand, would give the sort of evidence he wished; and a month after judgment had been pronounced, got them to make affidavit, before Sir Elijah Impey, of the facts, or supposed facts, of which it was useful for him to establish the belief. It is altogether unnecessary to allude to the character or credibility of the individuals who were taken into this service. It is perfectly sufficient to observe, that this is a mode of getting up a proof, by means of which there never can be any difficulty in getting a proof of any thing. Find a number of persons, even if not mendacious, with minds sufficiently partial to you, or sufficiently influenced by circumstances, to believe as you would have them, (often a very easy matter, whatsoever may be the state of the facts) and get them to set down whatever they and you think proper, exposed to no cross examination, exposed to no counter evidence; and think, whether it would not be an extraordinary case, in which, upon these terms, any man, more especially a powerful ruler, could remain without a defence.

The fact is, that recourse to such a mode of defence betrays a deep consciousness, that the conduct in favour of which it is set up, stands much in need of a defence, and seems pretty strongly to imply that no better defence can be found for it.

The behaviour of the Supreme Judge, in lending himself to this transaction, exposed him to the severest strictures from the Managers for the Commons' House of Parliament on the trial of Mr. Hastings. He acknowledged, upon his examination, that he went from Benares, where the business was concerted between him and Mr. Hastings, to Lucknow, the

capital of Oude, for the express purpose of taking these affidavits, though he acknowledged that "undoubtedly he did not consider his jurisdiction as extending to the province of Oude;" and though, in taking an affidavit, there is so little occasion for any remarkable qualifications in the Judge, that all he has to do is to hear a person swear that something in a paper is true, and to testify that he has heard him do so. "What the affidavits contained," said the Judge when examined upon the trial, "I did not know; nor do I know at present, for I have never read them." He also declared that he did not know, whether the persons who swore to them had ever read them. He also said, "I believe Mr. Middleton, in consequence of a letter Mr. Hastings wrote to him, had communicated the subject matter of what they were to depose to." At the time of taking the affidavits of the natives, not so much as a sworn interpreter was present. The Judge declared he never asked of one of the deponents, whether they knew the contents of their affidavits: and "had no means of knowing whether the deponents in the Persian or the Hindu language understood any thing of the depositions which they gave, except that they brought their affidavits ready drawn." He also admitted that he had no means of knowing whether, of the affidavits which were taken before him, the whole were published by Mr. Hastings, or whether all that had been unfavourable to him had not been suppressed. In fact, the examination of Sir Elijah Impey, upon the subject of the affidavits, discloses a curious scene, in which it appears that one object alone was in view, namely, that of getting support to any allegations which Mr. Hastings had set up.[1] A set of affidavits,

[1] See Minutes of Evidence at the Trial, p. 622 to 651 and 838 to 848.

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thus circumstanced, could be no proof of the guilt of an absent party.

These affidavits affirm not one criminal fact on the part of the Begums. All that they affirm with regard to these Princesses is *rumour* merely. The witnesses had *heard* that the Begums instigated that disaffection, which manifested itself in almost every part of the Nabob's dominions. In one sense this is evidence of the fairness and honourableness of Mr. Hastings; for undoubtedly it goes a certain way to prove that no undue means were used to put matter into these affidavits.

Some of them speak directly to certain tumultuary proceedings in Goruckpore, one of the districts of Oude. But the insurrection, if such it might be called, was not against the *British* authority, for there was none there to oppose. The *Nabob's* sepoys were refractory for want of pay. An Aumil, or renter of the Begums, showed a disinclination to permit a party of the *Nabob's* sepoys to pass through his district, which he knew they would plunder, and hence impose upon him a severe pecuniary loss. And the country people in general showed a hostile disposition to these same sepoys of the *Nabob*. What has this to do, in the smallest degree, with the *British* authority? And if the sepoys had been British, which they were not, what proof is given, that the Begums were the cause of the hatred they experienced, or knew of the commotions to which that hatred gave birth? [1]

[1] Contumely to the Nabob's officers was no new thing with the Begums; nor ever treated as rebellion till it suited the Governor-General. In January, 1776, when the Begum was complaining to the English government, and when it was affording her protection, the Resident in Oude writes to the Governor-General and Council: "In making this complaint, the Begum forgets the improper conduct of her own servants, who have hitherto preserved a total independence of the Nabob's authority; beat

Rumour affirmed that the Begums promoted the disaffection. If rumour, on such an occasion, were a proper ground of belief, rumour affirmed that the Nabob himself, together with his brother Saadut Ali, not only abetted the disaffection, but had entered into a deliberate plan for the extirpation of the English from the country. Why is rumour to be evidence against one, not evidence against another, just as it suits the pleasure or convenience of Mr. Hastings?

One of the deponents, who spoke most distinctly to what he reckoned symptoms of hostility on the part of the Begums, was a Major Macdonald, an English officer, in the service of the Nabob. He states that his march, at the head of a party of the Nabob's sepoys, was opposed by Zalim Sing, a Zemindar, who had long been treated by the Nabob as a rebel. This hostile chief showed, even to Macdonald's people, a paper purporting to be a sunnud from the Nabob, restoring him to his Zemindary, and vesting him with the government of certain districts; and he informed them he had the Nabob's instructions to drive, says the affidavit, "the Fringies out of his districts, that he only waited for the fortunate hour, boats being already provided from Fyzabad (which the deponent knew absolutely to be the case) to cross the Gogra, and carry the Nabob's orders into execution: Further, that his Excellency had altered his sentiments regarding the part he was to take in the present contest; that his Excellency set out with the intent of adhering to his treaty with the Company, but that Mirza Saadut Ali wrote him he was to blame if he gave any assistance; that now was the time to shake off the English yoke: that it might not be prudent to declare himself at once;

the officers of his government; and refused obedience to his Perwannahs." Minutes, ut supra, p. 2048.

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that he had only to stand neuter; and, under pretence of defending themselves, direct his subjects to take arms, and endeavour to prevent the junction of the English forces, when the matter would work of itself.—The deponent said, he believed the reports, as before related, at that time, and still is of opinion, the threats therein contained were intended to be carried into execution had the league been successful."[1]

Of the disturbances, moreover, in Goruckpore, and the hostile disposition manifested by the people to the sepoys of the Nabob, we are presented with another and a very different account. They are said to have been the effect of oppression; of oppression, cruel, and extraordinary, even as compared with the common degree of oppression under the government of the Nabob. It was given in evidence, that the country, from a very flourishing state in which it existed under the preceding Nabob, had been reduced to misery and desolation; that taxes were levied, not according to any fixed rule, but according to the pleasure of the collector; that imprisonments and scourgings for enforcing payment, were common in every part of the country; that emigrations of the people were frequent; and that many of them were so distressed as to be under the necessity of selling their children.[2]

The country thus oppressed was under the management of Colonel Hannay, an officer of the Company, who had obtained permission to quit for a time the Company's service, and enter into that of the Nabob. He was allowed to rent the provinces of Goruckpore and Baraitch; and, commanding also the military force in the district, engrossed the whole of the local

[1] Minutes, ut supra, p. 259, 261.

[2] Ibid. p. 381—390.

government. Mr. Holt, who was appointed assistant to the resident at the Vizir's court about the beginning of the year 1780, was asked, "Did you hear that Colonel Hannay was himself in particular danger from the insurrections in 1781? I did.—What do you suppose those insurrections arose from at first —did you ever hear of any machinations or contrivances of particular persons, or did you ever hear what the cause was that they objected to? I have heard it was owing to the misconduct and misgovernment of Colonel Hannay."[1]

Captain Edwards, another of the Company's officers, who had obtained permission to accept of service with the Vizir, and who was aid-du-camp to that Prince at the time of Mr. Hastings' quarrel with Cheyte Sing, was asked, "In what situation was Colonel Hannay," meaning, in the service of the Vizir? "I understand that he rented a great part of the Nabob's country, called Baraitch and Goruckpore.—Do you know what was the general fame of the country with respect to Colonel Hannay's administration in those provinces? That the measures of his government appeared to the natives there very unjustifiable and oppressive.—Did you ever see, or know, any fact or circumstance from which you could infer in the same manner? When I accompanied his Excellency the Nabob into that country, (I believe it was the latter end of the year 1779, or early in the year 1780) the country seemed to be little cultivated, and very few inhabitants made their appearance; and the few that were in the country seemed much distressed; and I understood that the country had been better peopled, but that they had all left the country in consequence of Colonel Hannay's ad-

[1] Minutes, ut supra, p. 391. See to the same purpose the evidence of Colonel Achmuty, p. 783.

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ministration.—Was it at Lucknow that you heard the reports concerning Colonel Hannay, and his oppressions? It was both at Lucknow and at many other places: it was a general report.[1]

It is also a circumstance of great importance, that when Colonel Hannay entered the service of the Nabob in 1778, he was a man in debt, or what is called by the witness "involved circumstances." Before the end of 1781, that is in a period of about three years, he was understood to have realized a fortune of 300,000*l*."[2]

It is now, however, in justice to Colonel Hannay, to be observed, with regard both to the oppressions of which he is accused, and the vast amount of his fortune, that most of the evidence adduced is evidence rather to the *rumour* of these facts, than to the facts themselves. But if this be a plea, as it undoubtedly is, in behalf of Colonel Hannay, it is a plea, it must be remembered, no less availing in favour of the Begums. It appears, indeed, with strong evidence from the cross examination of Mr. Hastings' own witnesses upon the trial, that a considerable number of the Rajah's or ancient chiefs of the country, who till that time had remained in possession of their respective districts, paying an annual sum, as revenue, to the Vizir, were driven out during the administration of Colonel Hannay; and that they retained the country in a state of perpetual disturbance, by endless efforts for their restoration.[3] This accounts for the

[1] Minutes, ut supra, p. 778, 782. Of the insurrections one principal part at least was occasioned by indignation at the confinement of a great number of persons in the Fort of Goruckpore, followed by a design to effect their rescue. See Minutes, ut supra, p. 1963, where a letter of Colonel Hannay's is acknowledged, to the officers on the spot, stating that the release of those prisoners would quiet the country. See the Cross Examination of Captain Williams, throughout, Ibid. p. 1935—1966.

[2] Ibid. p. 390, 391.

[3] Ibid. p. 1909—2008.

turbulent state of the country. Whether it was injustice, by which the Rajahs were expelled; or whether it was impossible to make them obedient subjects, sufficient evidence is not afforded to determine.

It is at any rate certain, that Colonel Hannay became in the highest degree odious to the Vizir; for he dismissed him from his service before the end of the year 1781, and having heard that he was using his influence to be sent back, he wrote to the Governor-General, about the beginning of September following, in these extraordinary terms:

" My country and house belong to you; there is no difference. I hope that you desire in your heart the good of my concerns. Colonel Hannay is inclined to request your permission to be employed in the affairs of this quarter. If, by any means, any matter of this country, dependant on me, should be intrusted to the Colonel, I swear by the Holy Prophet, that I will not remain here, but will go from hence to you. From your kindness let no concern, dependant upon me, be intrusted to the Colonel; and oblige me by a speedy answer which may set my mind at ease."[1]

It is also a most suspicious circumstance, that the accusations of the Begums seem originally to have come from Colonel Hannay, and to have depended almost entirely upon the reports of him and his officers; who were deeply interested in finding, for the disturbances of the country, which they ruled, a cause different from their own malversations.

When the Naboh departed from Chunar, at which time, according to the statements of Mr. Hastings, the Begums were in a state of rebellion, he

[1] Minutes, ut supra, p. 660.

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chose to pass through Fyzabad, the place of their residence, accompanied merely by his usual attendants, and about five or six hundred horse; and, according to the opinion of Captain Edwards, probably entered the city with only a few attendants, as in general his rate of travelling far exceeded the utmost speed of a body of horse.

As every mark of suspicion that rebellion was excited or intended by the Begums was thus removed from the behaviour of the Nabob; so not a single expression ever appears to have been obtained from him, which implied that they had been guilty of any such offence; and yet if he had conceived any apprehension from them, it was to the English he must have flown for protection, and to them he would naturally have communicated his fears. His aid-du-camp, Captain Edwards, who had accompanied him to Chunar, and proceeded with the rest of the troops to Lucknow, when the Nabob left the direct road to his capital to pass through Fyzabad, was asked, "Did you hear upon the return of the Nabob, and Hyder Beg, to Lucknow, any charge, or any thing that led you to believe, that discoveries of rebellion or treason had been made by the Nabob while at Fyzabad? No, I did not.—When did you first hear of any accusation, or charge, of any rebellion or disaffection, against the Begums? Some time after I arrived at Lucknow: About a fortnight after, I heard the gentlemen in the Resident's family mention the different accounts, that Colonel Hannay and his officers had sent.—Was the intelligence you received upon that subject confined to communications, made by Colonel Hannay and his officers, to the Resident's office, or did you hear of any other besides? I heard that such reports prevailed at Lucknow, among the natives, which were not generally believed; and there were a few who

mentioned they had heard the reports.—The question put to you is, whether you heard of any other instances than those mentioned by Colonel Hannay and his officers? I heard my own servants say, as they went through the market place, they had heard from the Resident's servants, that they had heard such reports did prevail.—Meaning the reports from Colonel Hannay? Yes, meaning those reports.—Did the natives in general give any credit to these reports? No, I do not think they did.—Did you not hear more of this sort of report after the treasure was seized in January, 1782? I did: I heard the treasures were seized in consequence of the report, and the charge and accusation, made by Colonel Hannay and some of his officers, that the Begums had been in a state of rebellion."[1]

As Colonel Hannay and his officers, white and black, were almost the only persons whose affidavits, originally taken at Lucknow, imputed any acts of disaffection to the Begums; so they were his officers, including the Paymaster of his troops, who alone, or nearly so, were called to prove the allegation in England. One or two other persons, the aid of whose testimony was required, could speak to nothing but *reports*, at Allahabad, or at Calcutta. And it appears, with great force of evidence, from the examination of the witnesses adduced in favour of Mr. Hastings, that the accusation rested upon the allegations of Hannay, and his officers; who, themselves, could affirm nothing but rumour, or facts of which it is more probable that they themselves were the cause than the Begums; and that the story, being taken up by Mr. Hastings, and propagated by him and his friends, with all the authority of government, was

[1] Minutes, ut supra, p. 777.

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spread abroad among the English throughout the country, and by them, in the usual manner, upon no better authority, passively, but not the less fervently, and confidently, believed.[1]

The departure of the Nabob from Chunar, for the purpose of seizing the property of his mother and his grandmother, was urged by Mr. Hastings: upon the arrival however of that Prince in his own dominions, he manifested a great reluctance to enter upon the ungracious work. The Governor-General waited, as he himself informs us, "with much impatience." He urged the Nabob by the strongest remonstrances. He enjoined the Resident, in the most earnest and most peremptory terms, to leave no effort unattempted for the accomplishment of this important event. The reluctance however of the Nabob continued unsubdued; and Mr. Middleton, the Resident, was instructed to supersede the authority of the Nabob, and perform the necessary measures by the operation of English power. He proceeded at last to the execution of the Governor-General's commands; but the Nabob, shocked at the degradation which he would sustain in the eyes of his people, if acts under his government of so much importance should appear to emanate from any power but his own, undertook the melancholy task.[2] The

[1] See Minutes of Evidence for the Prosecution, p. 361—951. Do. for the Defence, p. 1823—2008.

[2] According to Mr. Hastings, the Nabob had no objection to plunder the Begums. But he had given jaghires to certain persons, whom Mr. Hastings calls his "Orderlies, and others of that stamp;"......"the companions of his looser hours." These he wished not to resume; and therefore endeavoured to depart from his engagement of resumption altogether. But the cause appears not sufficient to account for the effect. If he had resumed the jaghires of his orderlies, which were of trifling amount, what would have hindered him from giving them something of equal or greater amount?

words of the resident to the Governor-General are instructive: "I had the honour to address you on the 7th instant, informing you of the conversation which had passed between the Nabob and me on the subject of resuming the jaghires; and the step I had taken in consequence." The step was the issuing of perwannahs or warrants to the Aumils or agents on the jaghires, to desist from acting in behalf of the Begums. "His Excellency appeared to be very much hurt and incensed at the measure: And loudly complains of the treachery of his ministers, first, in giving you any hopes that such a measure would be adopted; and, secondly, in promising me their whole support in carrying it through. But as I apprehended" (he means, expected) "rather than suffer it to appear that the point had been carried in opposition to his will, he at length yielded a nominal acquiescence, and has this day issued his own perwannahs to that effect—declaring, however, at the same time, both to me and his ministers, that it is an act of compulsion."[1]

The resumption of the jaghires was not the only measure which had been conceived and resolved against the Begums. Their treasures were to be

[1] Letter to Mr. Hastings, dated 9th of Dec. 1781. Notwithstanding these, and the numerous other proofs, that Hastings was well aware of the reluctance of the Nabob, to proceed to the acts by which his parents were plundered, Hastings, when it suited his purpose to put on the show of a wonderful tenderness for the Nabob, wrote to his private agent, Major Palmer, viz. on the 6th of May, 1783, "that it had been a matter of equal surprise and concern to him to learn from the letters of the resident, that the Nabob Vizir was with difficulty, and almost unconquerable reluctance, induced to give his consent to the attachment of the treasure deposited by his father under the charge of the Begum his mother, and to the resumption of her jaghire, and the other jaghires of the individuals of his family:" As if he had never heard of these facts before! Such specimens of Mr. Hastings, as this, meet us often in the records of his government.

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seized.[1] The Nabob and the resident, with a body of English troops, proceeded towards the abode of the princesses at Fyzabad, where they arrived on the 8th of January. The first days were spent in demands

[1] As some confusion took place, though much less than what was expected, and the servants and agents of the princesses withheld not some demonstrations of opposition, when the jaghires were taken away; this was called resistance: and Mr. Hastings was willing it should appear, that this was heinous guilt, and that only in punishment of this guilt the resolution of seizing their money was adopted. (See Letter of Governor-General and Council to the Court of Directors, 11th of February, 1782; Tenth Report, ut supra, Appendix No. 5.) He himself, however, has furnished sufficient proof, that the resolution was adopted before the resumption of the jaghires was begun. "It may be necessary," he says, in his letter dated at Sunagegunah on the Ganges, 23d of January, 1782, "in this place to inform you, that in addition to the resolution of resuming the Begums' jaghires the Nabob had declared his resolution of reclaiming all the treasures of his family which were in their possession, and to which by the Mahomedan laws he was entitled. This resolution I have strenuously encouraged and supported......I have required and received the Nabob's promise, that whatever acquisitions shall be obtained from the issue of these proceedings, it shall be primarily applied to the discharge of the balance actually due from him to the Company." (Tenth Report ut supra, Appendix No. 6; and Minutes of Evidence, ut supra, p. 2078.) Before the acquiescence of the Nabob could be procured to the execution of the plan for resuming the jaghires, viz. on the 6th of December, 1781, the Resident writes to Mr. Hastings as follows; "Your pleasure respecting the Begums, I have learnt from Sir Elijah; and the measure heretofore proposed will soon follow the resumption of the jaghires. From both, or indeed from the former alone, I have no doubt of the complete liquidation of the Company's balance." These expressions apply so necessarily to the seizure of the treasures, that they can be applied to nothing else. In another letter to the Governor-General on the following day, the Resident alludes to the same measure in the following terms: "His Excellency talks of going to Fyzabad, for the purpose heretofore mentioned, in three or four days; I wish he may be serious in his intention; and you may rest assured I shall spare no pains to keep him to it." The representation which was made, both in this letter to the Directors, and in the defence which Mr. Hastings first presented to the House of Commons, that the opposition of the Begums to the seizure of their jaghires was the cause on account of which the treasure was forcibly taken away from them, Mr. Hastings in a second defence retracted, affirming that the assertion was a blunder. See this defence, Minutes of Evidence at the Trial, p. 366. It was attempted to account for the blunder, by stating that the first defence was not written, and hardly examined by Mr. Hastings.

and negotiations. On the 12th the troops were ordered to storm the town and the castle, but little or no opposition was made; for no blood was shed on either side: and the troops took possession of all the outer enclosure of the palace of one of the princesses, and blocked up the other.

Still, however, the female apartments were unviolated, and the treasure was not obtained. The difficulty was to lay hands on it without the disgrace of profaning and polluting the sacred precinct. The principal agents of the princesses were two aged personages of great rank and distinction, who had been in high trust and favour with the late Nabob; the eunuchs, Jewar Ali Khan, and Behar Ali Khan. It was resolved to put those personages in confinement, and apply to them other severities, in order that the Begums might, by their compassion, be moved to give up the treasure; or that the eunuchs themselves should be compelled, by their sufferings, to give up what was in their own custody, and use their influence with the princesses to resign what they possessed. By the torture of one party, money was to be extorted from another. The cruel lessons of Eastern despotism were well acquired by Englishmen.

The expedient was attended with success. The Begums, or rather the elder of the two, in whose possession, as head of the female department, the treasure was placed, was wrought upon by these proceedings to make a surrender; and money was paid to the English resident to the amount of the bond given to the Company by the Nabob for his balance of the year 1779-80.

The eunuchs were not yet released. Another balance

According to this account, his blood was very cool upon the subject of his accusation, notwithstanding the loud complaints he so frequently preferred of the mental torture which it inflicted upon him.

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remained, for the year 1780-81. Money for the discharge of this remaining debt was also demanded of the Princess. "She declared with apparent truth," says the Resident, "that she had delivered up the whole of the property in her hands; excepting goods; which from the experience," he adds, "of the small produce of the sale of a former payment made by her in that mode, I refused, as likely to amount, in my opinion, to little or nothing." Money, however, was absolutely required; and new severities were employed. To the officer guarding the eunuchs, the following letter was addressed by the Resident, dated the 20th of January, 1782. "Sir, when this note is delivered to you, I have to desire, that you order the two prisoners to be put in irons, keeping them from all food, &c. agreeable to my instructions of yesterday. (Signed) Nath. Middleton."

The sufferings to which they were thus exposed drew from the eunuchs the offer of an engagement for the payment of the demanded sum, which they undertook to complete, within the period of one month, from their own credit and effects. The engagement was taken, but the confinement of the eunuchs was not relaxed; the mother and grandmother of the Nabob remained under a guard; and the Resident was commanded, by Mr. Hastings, to make with them no settlement whatsoever. In the mean time, the payment, upon the bond extorted from the eunuchs, was begun; the Begums delivered what they declared was the last remaining portion of their effects, including down to their table utensils; and the Resident himself reported "that no proof had yet been obtained of their having more." Before the 23d of February, 1782, upwards of 500,000*l.* had been received by the Resident for the use of the Company; and there remained on the extorted bond a balance; according to the eunuchs of 25,000*l.*; and

of no more than 50,000*l.* according to the Resident. The prisoners entreated for their release; declaring their inability to procure any further sums of money while they remained in confinement; but expressing a confident hope of being able to raise the balance required, if they were allowed to go abroad among their friends, and solicit their assistance. So far from any relaxation of their sufferings, higher measures of severity were enjoined. On the 18th of May, after they had lain two months in irons, the officer who commanded the guard under which they wereconfined, wrote to the Resident in the following words; "The prisoners Behar Ali Khan, and Jewar Ali Khan, who seem to be very sickly, have requested their irons might be taken off for a few days, that they might take medicine, and walk about the garden of the place where they are confined. Now, as I am sure that they will be equally secure without their irons as with them, I think it my duty to inform you of this request. I desire to know your pleasure concerning it." The nature of the orders under which the Resident acted, rendered it necessary for him to refuse the smallest mitigation of their torture. Nay, within a few days, that is, on the 1st of June, other terrors were held up to them. They were threatened to be removed to Lucknow, where, unless they performed without delay what they averred themselves unable to perform, they would not only be subjected to still severer coercion, but called upon to atone for other crimes. As these crimes were not specified, the threat was well calculated to act upon their fears. It involved the prospect of unbounded punishment; any infliction, in short, for which persons with arbitrary power in their hands could find or feign a pretence. Several expedients were offered both by the prisoners and the Begums, who were alarmed at the prospect of losing by removal their confidential

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servants. These expedients were not treated as objectionable, on any other score except that of time. They were rejected. The prisoners were removed to Lucknow, and cruelties inflicted upon them, of which the nature is not disclosed, but of which the following letter, addressed by the assistant-resident to the commanding officer of the English guard, is a disgraceful proof. "Sir, the Nabob having determined to inflict corporal punishment, upon the prisoners under your guard, this is to desire that his officers, when they shall come, may have free access to the prisoners, and be permitted to do with them as they shall see proper."

All the measures, however, of severity which could be devised proved unavailing, though the women of the Zenana were at various times deprived of food till they were on the point of perishing for want. The rigours went on increasing till the month of December; when the Resident, convinced both by his own experience, and the representation of the officer commanding the guard by which the princesses were coerced, that every thing which force could accomplish was already performed, and that if any hope remained of further payments, it was by lenient methods alone they could be obtained, removed of his own authority the guard from the palaces of the Begums, and set at liberty their ministers. As endeavours had been used to make the severities appear the act of the Nabob, so the Resident strove to make the favour appear the bounty of the man by whom the English sceptre was swayed; declaring to the Begums, that it was the Governor-General from whom the relief had been derived, and that he "was the spring from whence they were restored to their dignity and consequence." The letter in which the commanding officer reported the execution of the order of release, exhibits what no other words can

express. "I have to acknowledge the receipt of your letter of the 2d instant; and, in consequence, immediately enlarged the prisoners, Behar Ali Khan, and Jewar Ali Khan, from their confinement, a circumstance that gave the Begums, and the city of Fyzabad, in general, the greatest satisfaction. In tears of joy, Behar, and Jewar Ali Khan expressed their sincere acknowledgments to the Governor-General, his Excellency the Nabob Vizir, and to you, Sir, for restoring them to that invaluable blessing, liberty; for which they would ever retain the most grateful remembrance; and at their request I transmit you the enclosed letters. I wish you had been present at the enlargement of the prisoners. The quivering lips, with the tears of joy stealing down the poor men's cheeks, was a scene truly affecting. If the prayers of these poor men will avail, you will at the last trump be translated to the happiest regions in heaven."[1]

Of the transactions of Mr. Hastings with the Nabob at Chunar, another feature still remains. A present was offered; a present of a sum of no less than ten lacs, or 100,000*l.* sterling; and notwithstanding the Company's laws against presents, notwithstanding the acknowledged distress of the Nabob, and his inability to pay the debt which he owed to the Company, it was accepted. The Nabob was totally unprovided with the money; the gift could be tendered only in bills, which were drawn upon one of the great bankers of the country. As the intention of concealing the transaction should not be imputed to Mr. Hastings, unless as far as evidence appears,[2]

[1] Letter to the Resident, dated Fyzabad, 5th of December, 1782. See Tenth Report, ut supra, and Minutes of Evidence, ut supra, p. 848, 725; Appendix to 2d Art. of Charge, p. 78, 97, 43, 172.

[2] The removal just before of the Company's agent Mr. Bristow, and

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so in this case the disclosure cannot be imputed to him as virtue, since no prudent man would have risked the chance of discovery which the publicity of a banker's transactions implied. Mr. Hastings informed the Directors of what he had received, in his letter dated the 20th of January, 1782; and in very plain terms requested their permission, as a reward for his services, to make the money his own.[1]

In the beginning of 1782, when little or no progress had been made in realizing the sums of money which the Governor-General expected from his arrangements with the Nabob, he began to express, in a strain of unusual severity, his disapprobation of the Resident, Mr. Middleton; either really dissatisfied with him under the failure of his efforts; or by a concerted plan, anticipating the commands of the Directors for the restoration of Bristow by removing the confidential agent, now when the confidential transactions were closed, that the restoration of Bristow might carry the appearance of his own act, and receive its completion before the commands of the Directors should arrive.[2] Manifesting extreme

the appointment of a private agent of his own, ought constantly to be treated as a ground of suspicion; because it is exactly what a man with rapacious intentions would have performed.

[1] Letter of the Governor-General, Eleventh Report, ut supra, Appendix, C. No. 1. Why he should have wished for his reward out of this, rather than any other portion of the Company's money, at first strikes the mind as obscure. But a very appropriate reason may be supposed. Drawn from any of the known sources of the Company's revenue, the money must have appeared in their accounts, and could not be given to the Governor-General without the consent of the Company at large. The assent of the Directors obtained, the gift of the Nabob might have never appeared in any account, no consent of the Company at large have been sought, and the donation appropriated by the Governor-General without the knowledge of the public.

[2] The complaints against Middleton are exposed to the suspicion of insincerity, 1. by their unreasonableness, 2. by the conformity of the artifice to the character of Mr. Hastings, 3. by its great utility for the interest of his reputation, as well as of his pride and consequence, 4. by

anxiety for the acquisition of the money, on account of which he had ventured on disreputable ground, "the agreement," he said, "which I concluded with the Vizir has yet served only to gratify revenge, or some concealed interest, and to make me odious to my own countrymen."[1] The resident had at first suggested his doubts, whether the force which he could employ in the resumption of the Jaghires would be sufficient to overcome the opposition which he anticipated. "I judged it improper," says the Governor-General, "to expose a service of such importance, either to the hazard of a defeat, or the chance of a delay, and therefore immediately issued orders for the march of Colonel Sir John Cumming, with his entire detachment, for the performance of it."[2] The resident hastened to communicate his opinion, that the Nabob would be alarmed and disgusted at the march of this force into his dominions; that the payment of the detachment would be a breach of the immediate treaty, equivalent to an order for imposing upon him anew the expense of the temporary brigade; that a part of the Nabob's troops were equal

the continued and very extraordinary subservience of Middleton, afterwards, to the views of Hastings, notwithstanding the serious injury which he now sustained at his hands.

[1] Letter to Middleton, dated Benares, 1st of January, 1782. Extracts from Papers (in No. 1. vol. i.) presented to the house of Commons, 13th of March, 1786, p. 52. The Governor-General, showing a keen sensibility to the imputations on his character to which the transactions in Oude exposed him, ("I must desire," said he, "that your letters, upon all official and public subjects, may be official: I cannot receive any as private, and my reputation and character have been too far committed to admit of an intercourse which I cannot use as authority") seemed to think that the success of the measure, the money in hand, would sanctify the means. The rule, he well knew, too generally holds.

[2] Letter from the Governor-General to the Council, dated 23d of January, 1782; Tenth Report, Appendix, No. 6.

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to the service; and that a fortnight would suffice for its accomplishment. Under these representations the Governor-General ventured not to continue the march of the detachment; but he declared to the resident, that the contradictions in his statements covered them with doubts; and, if the resident could not assure him of his perfect competence to the service, that he would himself suspend his journey to the Presidency, and repair to Lucknow for the accomplishment of the business in person. The resident declared his competence; and the Governor-General departed from Benares on his way to Calcutta on the 7th of January. He departed, however, "after much hesitation, and I will confess," says he, "with some reluctance. I dread the imbecility and irresolution which too much prevail in the Nabob's councils, and must influence in some degree both the conduct of the resident and the minister; and I consider the impending measure of too much consequence to be exposed to the risk of a disappointment." The resident had stated, that the Governor-General had not by him been understood as intending the reformation, this year, of the Nabob's military establishment, or as expecting a present supply to the Company's treasury. "These," says the Governor-General, in his letter of 3d January, "are fresh instances of what I have had too frequent cause to complain of, your total inattention to my instructions." He then repeats to the resident the passage in his instructions, in which he told him, that "to enable the Nabob to discharge his debt to the Company in the shortest time possible was the chief object of his negotiation:" that the jaghires should be appropriated to that purpose: and that the reform of the troops should take place immediately after the settlement of the

sum to be allowed for the personal and domestic expenses of the Nabob.[1] But these expressions are vague, and necessarily express no more than a very eager desire for dispatch ; and the resident, for aught that appears in the words, might be well justified in the conclusion which the Governor-General thought proper to condemn.

Mr. Middleton continued the exertions, and practised all the severities, which have already been described, for extorting the money which the Governor-General demanded. Yet he was formally accused by the Governor-General on the 23d of September, and pronounced guilty of remissness in his duty; when Mr. Bristow was appointed to fill the office from which, before the recent transactions, he had just been removed. In the mean time, that is, on the 6th of May preceding, Major Palmer had been sent to Oude, as the private agent of Mr. Hastings ; and various new demands were urged upon the dependant Prince. The current annual claims varied, from seventy to 130 lacs per annum, previous to the time of Middleton's appointment in 1781. The receipts of the resident, in discharge of those claims, varied from sixty to eighty lacs per annum, whence the balance of debt perpetually increased. At the time of concluding the treaty between the Nabob and Hastings at Chunar, that balance appeared to stand at 44 lacs. The resident, instead of 80 lacs, which before was the maximum of the annual payments, realized one crore and 46 lacs. By demands, however, urged by Major Palmer to the amount of eighty-two lacs, and claims of unknown balances, which appeared on adjusting the books of the Presidency, the sums,

[1] Extracts from Papers, ut supra, p. 52, 53 ; Tenth Report, ut supra, Appendix, No. 6.

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of which payment in that year was required of the Nabob, exceeded considerably two crores and a half, that is, were at least equal to twice the annual revenue of the whole country.[1] In vindicating himself from the charge of remissness, in seizing the treasures of the Begums, Mr. Middleton shows, that not only had he been successful in regard to the ultimate acquisition, but that no unnecessary time had intervened, and that no instrument of coercion, except the disgraceful one of violating the apartments and the persons of the Princesses, had been left unemployed. "The Nabob," he says, "was son to the Begum we were to proceed against: A son against a mother must at least save appearances: Circumstances sufficiently marked the English as the principal movers in the business: The favourable occasion was not missed to persuade the Nabob that we instigated him to dishonour his family for our benefit: I had no assistance to expect from the Nabob's ministers, who could not openly move in the business: In the East, it is well known, that no man, either by himself or his troops, can enter the walls of a Zenana—scarcely in the case of acting against an open enemy—much less an ally—a son against his own mother. The outward walls, and the Begum's agents, were all that were liable to immediate attack: They were dealt with—and successfully, as the event proved."[2]

The reply which is made by the Governor-General to this defence is remarkable. As usual with the

[1] "The Nabob's net revenue," (says Mr. Middleton, Defence to the Governor-General and Council; Extracts from Papers in No. 1, vol. ii. presented to the House of Commons, 13th March, 1786, p. 2,) "to my knowledge, never exceeded a crore and a half, but generally fell very short of that sum." The Gov.-Gen. disavowed the demands which were made by his private agent, Palmer, and other remissions took place. Ibid.

[2] Ibid. p. 3.

Governor-General, it is mysterious and equivocal. But if any thing can be gathered from it, they are the two following things: that he did intend that Mr. Middleton should have violated the Zenana; and that not having acted in that manner, Mr. Middleton, his own chosen and confidential agent, might, both by himself and by others, be suspected of having betrayed his duty for bribes. "I was pointed," says the Governor-General, "in my orders to Mr. Middleton, that he should not allow any negotiation or forbearance, when he had once employed the Company's influence or power in asserting the Nabob's claims on the Begums. My principal, if not sole inducement, for this order, which, with the instructions following it, was as absolute as it could be expressed, was—to prevent the imputation which is too frequently, with whatever colour of reason, cast on transactions of this nature, begun with demands of sums of money to an enormous amount, supported with a great military parade and denunciations of vengeance for a refusal, and all relenting into the acceptance of personal submission and promise of amendment: In plainer words, I did not choose to be made the instrument of private rapacity, if any such design existed; nor to expose myself to the obloquy of it, if such a design did not exist."[1] The Governor-General, however, no where said to Mr. Middleton, you shall enter the Zenana itself, if respect for it prove any obstruction to your designs. And it would have been equally easy for him to have condemned the resident had he understood his orders in that invidious sense, as it was, according to the sense in which he did understand them. If the resident had been guilty of the violation, and a storm of

[1] Governor-General's Minute on Mr. Middleton's Defence, 21st October, 1783. Ibid. p. 14.

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odium had arisen, the political conduct of the Governor-General lays sufficient ground for the presumption that he would not have scrupled to form for himself a screen out of his own ambiguity.

Upon the intelligence received of the recall of Mr. Bristow, and the appointment of Mr. Middleton to the office of resident with the Vizir, previous to the memorable journey to Benares, the Court of Directors wrote to the Governor-General and Council, in the following terms:—"Equally extraordinary, and unwarrantable, have been your proceedings respecting Mr. John Bristow. He was appointed resident at Oude in December, 1774. In December, 1776, he was recalled without the shadow of a charge being exhibited against him. By our letter of the 4th of July, 1777, we signified our disapprobation of the proceedings against Mr. Bristow, and directed that he should be restored to his station; which direction we confirmed by our subsequent letter of the 23d of December, 1778. Mr. Bristow arrived in India in February, 1780, and in October of the same year, it was resolved by your Board, that Mr. Bristow should return to Oude; but that his appointment should be limited solely to the conduct of political negotiations, Mr. Middleton being at the same time nominated to settle pecuniary matters with the Vizir. On the 21st May, 1781, upon receiving a letter from the Vizir, expressing his desire that Mr. Bristow should be removed from his court, he was again recalled. But, without entering into the consideration of this matter, and in order to vindicate and uphold our own authority, we do hereby positively direct, that Mr. Bristow do forthwith proceed to Oude, in the station of our resident there. You are likewise to observe, that we shall not suffer any other person to proceed to Oude, for the management of the finance, one

person being, in our opinion, sufficient to transact our business there as principal in both those departments."[1]

Along with the reprobation of the recall, and command for the restoration of Mr. Bristow, a similar reprobation and command arrived from the Court of Directors respecting Mr. Fowke, as resident at Benares. The Governor-General, claiming a latitude in disobeying the orders of the Company, when those orders were "destructive to their own affairs," and alleging that the diminution of authority of the Governor-General, in displaying to the eyes of India the defeat of his intentions even with respect to his own agents, was so destructive; insinuating also, beside these general, some particular objections, of which he spoke in the following mysterious terms, "My present objection to his appointment I dare not put upon record, the Members of the Board individually know it;" opposed obedience to the Company's injunctions. The other Members, however, of the Board, consisting of Mr. Stables, Mr. Macpherson, Mr. Wheler, and Sir Eyre Coote, were of a different opinion; they declared that, where the commands of the Directors were precise and peremptory, they conceived themselves to have no latitude of choice; and Mr. Fowke received his appointment. The arrangement which the Governor-General had made for the management of the affairs of Benares had, as usual, disappointed his pecuniary expectations; and his dread of blame on the score of the transactions, to which his journey to that district had given birth, seems upon this head to have rendered his irasciblity peculiarly keen. The storm of his indignation fell upon the person into whose

[1] Company's General Letter to Bengal, 28th August, 1782; Tenth Report, ut supra, App. No. 8.

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hands the collection of the revenue had fallen, the father of the newly-made Rajah. "I feel myself," said Hastings, "and may be allowed on such an occasion to acknowledge it, personally hurt at the ingratitude of this man, and at the discredit which his ill conduct has thrown upon my appointment of him. He has deceived me: he has offended against the government which I then represented." The "personal hurts" of the Governor-General seem but too frequently to have prompted the measures of his administration. If he was "personally hurt," he was ill qualified to assume the function of a judge. The Naib had failed in raising all the money which had been imposed as tribute upon the province. Had the tribute not been, as it was, too large, dismission from his office might appear to be a sufficient visitation for his offence. He was also deprived of his lands, thrown into prison, and threatened with death, by the sole authority of Mr. Hastings, who did not so much as communicate the measures to his Council till after they were passed; while the Naib in vain represented, that the tribute exceeded the means of the country; that the ordinary receipts had been diminished by a drought; and that from a severe illness, he had, during two months, been incapable of attending to the painful and laborious duties of his office.[1]

Among the articles in the treaty, formed by the Governor-General with the Vizir at Chunar, one related to the Nabob Fyzoolla Khan. This was the chief who survived the ruin of the Rohilla nation in 1774, and who, having occupied a strong post on the hills, concluded a treaty, under the sanction and guarantee of the English government, by which he

[1] See the Minutes of Evidence upon the Benares Charge.

received in jaghire the country of Rampore and some other districts of Rohilcund, estimated at a revenue of fifteen lacs of rupees. "From the month of October, 1774, to the latter end of February, 1778," says the Governor-General, "we had no reference made to us relative to Fyzoolla Khan; but on the 25th of February, 1778, we received a letter from Mr. Middleton, in which he informed us, that reports had prevailed at Lucknow, that Fyzoolla Khan retained in his service a greater body of troops than were specified in the treaty of 1774, and that he had given protection and encouragement to Zabita Khan's defeated army. Mr. Middleton, in the same letter, told us, that he did not pay much attention to these reports; but added—that the Nabob's oppressive and unjust conduct, in various instances, might induce Fyzoolla Khan to form connexions, and to engage in schemes, incompatible with his duty and allegiance to the Vizir."

The treaty which had been formed between Fyzoolla Khan and the Vizir, in 1774, commonly known by the name of the treaty of Lal Dang, had been signed by the English Commander-in-Chief, in the name of his nation, as both a party to the transaction, and guarantee of the engagement. Distrusting the faith of the Nabob, and alarmed by the preceding imputations, which he justly regarded as proofs that the wish was formed to dispossess him of his country, Fyzoolla Khan endeavoured to assure himself more completely of the protection of the English; and, as if the signature of the commanding officer was not sufficiently binding, made earnest application to have the treaty ratified by the Governor-General and Council. "Upon this subject," says Mr. Hastings, "I had frequent applications from him. But the guarantee appeared to me unnecessary,

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except as it would afford great satisfaction to Fyzoolla Khan; for our government must have interfered, if the Nabob Vizir had attempted to encroach upon the rights which Fyzoolla Khan enjoyed under his treaty with the Vizir. Mr. Middleton deputed Mr. D. Barwell to Rampore, the residence of Fyzoolla Khan. Mr. Barwell transmitted to Mr. Middleton a very particular account of Fyzoolla Khan's conduct, which appeared to have been in no instance contrary to his engagements; and in the month of April, his treaty with the Nabob Vizir was guaranteed by the Company, agreeably to his earnest and reiterated requests. By whose suggestions doubts were instilled into the mind of Fyzoolla Khan, as to the validity of the treaty which Colonel Champion had witnessed, I know not." On the occasion of the guarantee a present of elephants, horses, and other articles, with a lác of rupees, or 10,000*l.* sterling, was made to the Nabob, and one of a similar sum, or another lac, to the Company.

This transaction was soon followed by another. In the same year intelligence was received of a war between England and France. Fyzoolla Khan, "being indirectly sounded," displayed the greatest readiness to assist. He was under no obligation to afford a single man; but, at the suggestion of the resident at Oude, made an offer of all his cavalry, 2000 strong, and actually furnished 500. The Governor General, on the 8th of January, 1779, wrote to him, "that in his own name, as well as that of the Board, he returned him the warmest thanks for this instance of his faithful attachment to the Company and the English nation."

In the treaty of Lal Dang, were the three following articles: "That Fyzoolla Khan should retain in his service 5000 troops, and not a single man more:

That with whomsoever the Vizir should make war, Fyzoolla Khan should send two or three thousand of his troops, according to his ability, to join him: And that if the Vizir should march in person, Fyzoolla Khan should attend him with his forces."

In November, 1780, the Governor-General and Council recommended to the Vizir to demand, that is, the Governor-General and Council did themselves demand, of Fyzoolla Khan, to furnish a body of 5000 horse, "as the quota stipulated by treaty for the service of the Vizir." The treaty, however, did not stipulate for 5000, but only for 2000, or 3000, according to his ability; and not for *horse*, but *troops*, of which not the whole, but the usual proportion in horse, equity of construction could, by any means, require: and the troops were not for the service of the Vizir, but of the Company.[1] With the strongest expressions of duty and allegiance, Fyzoolla Khan represented, that his whole force was by treaty limited to 5000 men; of which 2000 were horse, and 3000 foot; that 3000 foot were required for the business of his government and collections; but the whole was at the command of the Vizir and the Company. When this answer was received, the Governor-General, who, together with Mr. Wheler, constituted the whole Board, and by his casting vote united in his own person all the powers of government, de-

[1] This was too evident to be denied by any body; but it was expressly stated to Fyzoolla Khan by the Vizir, in the letter in which he communicated the demand, that the demand was made by the direction of Mr. Hastings, and "not for his [the Vizir's], but the Company's service." (See the Twenty-second Charge, moved by Mr. Burke.) Mr. Hastings himself says, (see his answer to that charge) "Fyzoolla Khan was under no engagement to furnish us with a single man, *nor did I ever demand a man from him.*" True, in sound, as usual with Mr. Hastings; false in substance.

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clared upon record, that "The Nabob Fyzoolla Khan had evaded the performance of his part of the treaty between the late Nabob Sujah ul Dowla and him, to which the Honourable Company were guarantees, and upon which he was lately summoned to furnish the stipulated number of troops, which he is obliged to furnish on the condition by which he holds the jaghire granted to him."

In defence of this procedure Mr. Hastings states, that the Company was environed with difficulties; the burden of the Mahratta war; the alarming progress of Hyder Ali in Carnatic; the march of the Berar army into Cuttack; and the prospect of an armament from France: That Sir Eyre Coote, before departing for Madras, recommended application to Cheyte Sing for a body of horse to cover the province of Bahar; a battalion of sepoys; 1000 of the Vizir's infantry; and as many of Fyzoolla Khan's troops as could be procured, for the defence of Rohilcund: That the British officer who commanded in that district complained, by letter, of having with him only 500 of that chieftain's horse, though, "in his agreement with government, he was obliged to keep up 5000 troops for assisting in the defence of Rohilcund:" That in the hurry of business, he, and the other Members of the Board, were deceived by this letter into the belief that 5000 was the quota defined; and that horse, though not expressed in the treaty, was undoubtedly understood.[1]

A deception of such a kind, in matters of such importance, is not the most honourable sort of apology, even where it holds.[2] The demand, however,

[1] Hastings's Defence on the Charge respecting Fyzoolla Khan.

[2] The Vizir knew the terms of the treaty better; and his letter was before Hastings, in which he admitted that the demand was a breach of

of the Board went far beyond the erroneous words of the letter. The letter spoke of only *troops*, not *horse*; and it spoke of 5000, as only *to be kept up*, not sent out of the country, for deduction was necessary of those required for indispensable service at home: And the declaration of one of the parties as to what was *understood* in a treaty, but not expressed, when there is no reason why it should not have been expressed, is an unavailing pretence, which, if admitted, would for ever place the weaker of two contracting parties at the mercy of the stronger. As to the dangers of the British government, urged by the Governor-General on this, as they are on so many other occasions, there is only one principle which can render them applicable in his defence; viz. that they furnished sufficient grounds for taking from every prince or lord of the country, whatever any of them had not ability to prevent him from taking.

In proceeding to measures of compulsion, Hastings somewhat lowered his demand. On the 15th of February, 1781, he decreed in Council, "that a deputation to Fyzoolla Khan should be immediately recommended to be sent by the Nabob Vizir, accompanied by an agent from Mr. Middleton in behalf of the English government, as guarantees, and that in presence of proper witnesses they should demand immediate delivery of 3000 cavalry; and if he should evade or refuse compliance, that the deputies should deliver a formal protest against him for breach of treaty, and return, making their report to the Vizir, which Mr. Middleton was to transmit to the Board."

that treaty. Should Fyzoolla Khan mention any thing of the tenor of the treaty, the *first* breach of it has been committed by him. I will reproach him with having kept *too many troops*, and will oblige him to send the 5000 horse."

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The deputation was sent. Fyzoolla Khan, alleging both his inability and the express words of the treaty, offered "in addition to the 1000 cavalry already granted, to give 1000 more, when and wheresoever required, and 1000 foot;" together with one year's pay in advance, and funds for the regular payment of them in future. The offer was rejected; and the protest made. Hastings suspended all proceedings upon this protest at the Board; met with the Nabob at Chunar; and signed the following article relative to Fyzoolla Khan: "That as Fyzoolla Khan has, by his breach of treaty, forfeited the protection of the English government, and causes, by his continuance in his present independent state, great alarm and detriment to the Nabob Vizir, he be permitted, when time shall suit, to resume his lands and pay him in money, through the resident, the amount stipulated by treaty, after deducting the amount and charges of the troops he stands engaged to furnish by treaty; which amount shall be passed to the account of the Company during the continuance of the present war."

What comes next to be stated is a characteristic circumstance. In transmitting the treaty of Chunar to his colleagues at the Board, Mr. Hastings accompanied each article with his own explanations and remarks. Those upon the article relating to Fyzoolla Khan, were as follow: "The conduct of Fyzoolla Khan in refusing the aid demanded, though not an absolute breach of treaty, was evasive and uncandid. The demand was made for 5000 cavalry: the engagement in the treaty is literally for 5000 horse and foot: Fyzoolla Khan could not be ignorant that we had no occasion for any succours of infantry from him, and that cavalry would be of the most essential service: so scrupulous an attention to literal expres-

sion, when a more liberal interpretation would have been highly useful and acceptable to us, strongly marks his unfriendly disposition; though it may not impeach his fidelity; and leaves him little claim to any exertions from us, for the continuance of his jaghires. But I am of opinion that neither the Vizir's, nor the Company's interests would be promoted by depriving Fyzoolla Khan of his independency: And I have, therefore, reserved the execution of this agreement to an indefinite term; and our government may always interpose to prevent any ill effects from it."

This imperiously calls for some observations. Mr. Hastings inserts, in an article of a solemn, public treaty, and sets his hand to the article, that a dependent of the Company has been guilty of a breach of treaty; when at the same moment, he writes to his colleagues, that he has *not* been guilty of a breach of treaty, and that his fidelity is unimpeached. He gives to the Vizir, by equally solemn treaty, what the Vizir anxiously solicited, as an object of great desire, permission to dispossess Fyzoolla Khan; yet he writes to his colleagues, that this was a fraudulent artifice, and that he never meant the permission to have any effect. The cause of Mr. Hastings, during a calm investigation, suffers exceedingly by his practice and skill in the arts of deceit; because the fair colours, which he himself can throw upon his conduct, become thoroughly untrustworthy, and, unless where they are supported by other evidence, cease to persuade.

When, too, Mr. Hastings informs his colleagues, that by the treaty in virtue of which Fyzoolla Khan possessed his jaghire, he was bound to afford 5000 troops, the information was glaringly incorrect; for the oppressed dependant had expressly appealed to the treaty, and offered obedience to the full extent of

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its bonds. Nay, by the treaty, he was rigidly bound not to retain in his service any more than 5000 troops both horse and foot; and had he sent 5000 horse to the service of the English, in addition to which he must have raised horse and foot for the business of his country, he might have been punished for breach of treaty, and on this pretext, deprived of his independence.

For several months after the return of the Vizir to his own capital, the Governor-General was importuned, by applications both from him and from the resident, to permit the expulsion of Fyzoolla Khan. Towards the end of the year, 1782, a negotiation was opened for a pecuniary commutation of the military aid. Major Palmer was deputed to Rampore; and spent a month, as he himself significantly expresses it, "in order to effect by persuasion, what he could have obtained in an hour by threats and compulsions;" that is, a sum of fifteen lacs of rupees, on the condition of being exempted from all future claims of military service.

Endeavour was used to obtain from Fyzoolla Khan another sum of 15 lacs; for which his jaghire, which was only a tenure for life, was to be converted into a perpetual hereditary possession. As this change in his tenure was supposed to be of the highest importance to Fyzoolla Khan, he very much surprised the English agent by declaring his inability to advance the money required, and declining the bargain. From the improving cultivation of the country, and apparent riches of the people, the effects of the good government which that lord had maintained, the English, as usual, believed, in company with the Vizir, that his riches were immense.

Major Palmer bore his testimony, on this occasion, to the falsehood, too, of the imputations upon which

the oppression of Fyzoolla Khan had been founded: That he had given encouragement to the desertion of the ryots of the Vizir; and that he had a greater number of troops than 5000. The numbers of the Rohilla people in his country exceeded that amount; but Rohillas, in other than military employments, were not by the treaty forbidden. At any rate, the Major adds, "it does not appear that their number is formidable, or that Fyzoolla Khan could by any means subsist such numbers as could cause any serious alarm to the Vizir; neither is there any appearance of their entertaining any views beyond the quiet possession of the advantages which they at present enjoy."

It was an object with the Governor-General and Council, to convince the Court of Directors that the bargain they had made with Fyzoolla Khan was a good one, and the money obtained an ample compensation for the alienated right. They now, therefore, distinctly understood and affirmed, that Fyzoolla Khan was bound not to exceed the number of 5000 troops, in horse and foot, and to send to the service of the Vizir only two or three thousand *men;* which, to the Vizir they said, was "a precarious and unserviceable right;" that "the rumours which had been spread of the hostile designs of Fyzoolla Khan, against the Vizir, were totally groundless; and if he had been inclined, that he had not the means to make himself formidable."[1] These expressions are to be contrasted with those made use of, on the 1st of

[1] Secret Letter from Bengal, dated 5th April, 1783; Extracts from Papers, (in No. 2, vol. i.) presented to the House of Commons, ut supra, p. 44. In the Secret Letter from Bengal, dated 10th March, 1783, the Governor-General and Council also say, "This" (the fifteen lacs) "is a valuable compensation for expunging an article of a treaty, which was of such a tenor, and so loosely worded, that the Vizir could never have derived any real advantage from it. The money will of course be received by the Company, in part liquidation of the Vizir's debt."

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April, 1781, by the assistant resident, Johnson; who was sent for the purpose of making the protest, in case of the refusal of 3000 horse. On the hunt for appearances of guilt, he found them at every step; and the very day after his arrival, reported, that "the Rohilla soldiers, in the district of Rampore alone, were not less than twenty thousand." With great caution should men in power receive from their agents reports by which their known wishes are flattered; because the proportion of observers is lamentably small, who, in such cases, will not deceive themselves, and without any formed intention of mendacity, yet from the very lust of pleasing the men on whose favour or disfavour their prosperity or adversity depends, give them reports which will deceive them. It is necessary, in justice to Mr. Hastings, to add, that with respect to the permission, granted by the treaty of Chunar, to resume the jaghire of Fyzoolla Khan, he afterwards allowed that his conduct was the proper object of blame.[1]

It appears that the Vizir relented at a period rather early in the persecution of the Begums. Before the recall of Mr. Middleton, he wrote to the Governor-General several letters, on the particular subject of the resumption of the estates, and the confiscation of the treasures of the Princesses, and appears to have severely complained of the opprobrious part which he was compelled to perform. It was one of the rules of the Governor-General, to suppress as much as possible of any correspondence, of which the appearance would give him pain. These letters, accordingly, were not entered in the Company's records. But what he wrote to the resident

[1] For the passage relating to Fyzoolla see Parliamentary Papers, ut supra; the twenty-Second Article of Charge presented by Mr. Burke; the Answer of Mr. Hastings; and the Tenth Report of the Select Committee.

on the subject of them remains, and shows, that in his breast they excited the highest resentment. He chose to consider them as not the letters of the Vizir; whom he represents as too void of character, to write any thing of himself. He called them the letters of the minister, "who," says he, "by an abuse of his influence over the Nabob—he being, as he ever must be, in the hands of some person, a mere cipher in his hands—dared to make him assume a very unbecoming tone of refusal, reproach, and resentment, in opposition to measures recommended by me, and even to acts done by my authority."

He persisted in ascribing guilt to the Begums, and said, "the severities which have been exercised toward them, were most justly merited, by the advantage which they took of the troubles in which I was personally involved last year, to create a rebellion in the Nabob's government;[1] and to complete the ruin which they thought was impending on ours." "If it is the Nabob's desire to forget and forgive their past offences, I have no objection to his allowing them, in pension, the *nominal* amount of their jaghires; but if he shall ever offer to restore their jaghires to them, or to give them any property in land, after the warning which they have given him, by the dangerous abuse which they formerly made of his indulgence; you must remonstrate, in the

[1] When it suited the Governor-General he could assign the disturbance in Oude to very different causes. In a Minute [Bengal Secret Consultations, 10th Dec. 1783; Extracts from Papers (in No. 2, vol. iv.) presented to the House of Commons, upon the 13th day of March, 1786, p. 7], he says, "The Zemindars in the provinces of Oude, and in the other dominions of the Nabob, Asoph ul Dowlah, have ever been either in a state of actual rebellion, or bordering upon it; even in the time of the Nabob Sujah ul Dowlah, they could only be restrained by a military force superior to that which they could oppose to it." The instigations, surely, of the Begums was not then wanted to account for the little ferment which took place in Oude, upon the occasion of the explosion in Benares.

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strongest terms, against it; you must not permit such an event to take place; until this government shall have received information of it, and shall have had time to interpose its influence for the prevention of it." On this and on various other occasions, where the Governor-General spoke of pensions with so much ease, he well knew, that in the circumstances and with the disposition of the government of the Vizir, a pension, unless to Englishmen whom he feared, little or nothing differed from a name. Nay more; if the payment had been sure, the nominal revenue was but a portion of the actual proceeds; and the Begums of course were to be robbed of all the rest. It was in fact from this robbery, namely the revenue which the Nabob could extract from the estates of the Begums, beyond the pensions he would bind himself to pay them, that the money was to come, by which the distress of Mr. Hastings was to be relieved.

The period at last arrived for the review, by the Court of Directors, of the proceedings of their government in India relative to the Begums. In their letters of the 14th of February, 1783, "It no where," say the Directors, "appears, from the papers at present in our possession, that the Begums excited any commotions previous to the imprisonment of Cheyte Sing, and only armed themselves in consequence of that transaction; and it is probable that such a conduct proceeded from motives of self-defence, under an apprehension, that they themselves might likewise be laid under unwarrantable contributions." The Court of Directors, in consequence, gave their commands, that if, upon inquiry, it should appear that the Princesses had not been guilty of the practices of which Mr. Hastings accused them, their estates should be restored; and an asylum offered them

within the Company's territory. In obedience to this injunction, it was moved by Mr. Stables, a member of the Supreme Council, that the inquiry should be instituted.

The conduct pursued by the Governor-General is the next object of regard. He set himself in opposition to the inquiry; and, having a majority of the Council on his side, he prevented it. The reasons by which he supported his opposition were as follows. He asserted, "that the reasons of the Court of Directors, if transmitted with the orders for the inquiry, will prove, in effect, an order for collecting evidence to the justification and acquittal of the Begums, and not for the investigation of the truth of the charges which have been preferred against them." Here the insinuation is, that whenever, in India, the views of government are known, all evidence tendered will be sure to coincide with those views. The Governor-General ought to have reflected, that, if this be true, all the evidence which he produced against the Begums, Cheyte Sing, or any of the other parties, whom he pretended to punish under the colour of guilt, if in other respects less devoid of the essentials of proof than it really was, ought to be counted for nothing. Besides, it was neither necessary, nor did the author of the proposal require, that "the reasons" of the Court of Directors should be transmitted with the order for inquiry. Mr. Hastings in a further Minute asserted, that the inquiry would be fraught with "evils greater than any which exist in the consequences which have already taken place, and which time has almost obliterated." "If," said he, "I am rightly informed, the Nabob Vizir and the Begums are on terms of mutual good will. It would ill become this government to interpose its influence, by any act which might tend to revive

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their animosities, and a very slight occasion would be sufficient to effect it. They will instantly take fire on such a declaration, proclaim the judgment of the Court in their favour, demand a reparation of the acts, which they will construe wrongs, with such a sentence warranting that construction, and either accept the invitation (to reside under the protection of the Company), to the proclaimed scandal of the Nabob Vizir, which will not add to the credit of our government, or remain in his dominions, but not under his authority, to add to his vexations and the disorders of the country, by continual intrigues and seditions. Enough already exists to affect his peace, and the quiet of his people. If we cannot heal, let us not inflame the wounds which have been inflicted." He added, "If the Begums think themselves aggrieved to such a degree as to justify them in an appeal to a foreign jurisdiction; to appeal to it against a man standing in the relation of son and grandson to them; to appeal to the justice of those who have been the abettors, and instruments of their imputed wrongs; let us at least permit them to be the judges of their own feelings, and prefer their complaints, before we offer to redress them. They will not need to be prompted. I hope I shall not depart from the simplicity of official language, in saying, the Majesty of Justice ought to be approached with solicitation, not descend to provoke or invite it, much less to debase itself by the suggestion of wrongs, and the promise of redress, with the denunciation of punishments, before trial, and even before accusation." If nothing remained to stain the reputation of Mr. Hastings, but the principles avowed in this singular pleading, his character, among the friends of justice, would be sufficiently determined.

Although the commands of the Court of Direc-

tors, respecting reparation to the Begums, were strengthened by a formal application from the Vizir, "requesting" (such are the words of Mr. Hastings, introducing the subject to the Board) "that he might be permitted to restore, to his grandmother and other relations, the jaghires which were taken from them the beginning of last year," the authority of the Governor-General was sufficient to prevent, at the present time, the adoption of any measure in their favour.[1]

Notwithstanding the severities practised upon the family of the Vizir, and the usurpation of his authority by Mr. Middleton, who even issued warrants upon his own authority for the resumption of the jaghires, Mr. Middleton was dismissed for want of rigour in pressing the demands of the English government; and Mr. Bristow was appointed, under the implied as well as declared expectation, that he would supply what had been remiss in the conduct of his predecessor. Nor was this all. He was furnished with a set of instructions, from the hand of the Governor-General, bearing date the 23d of October, 1782. In these instructions, in which he was particularly referred to the injunctions which Mr. Middleton had previously received, four objects were principally pointed out to his attention; 1st, "To limit, and separate the personal disbursements of the Vizir from the public accounts;" 2dly, To reform the military establishment, reducing the troops to one uniform corps, and to the form, if possible, most useful to the Company, that of cavalry; controling even the appointment of officers, nay, "peremptorily opposing it," as often as the Vizir should persist in a choice

[1] See the Fourth article of Charge, and Mr. Hastings's Answer, with the papers printed by the House of Commons in 1786.

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which to the Resident should appear objectionable; 3dly, To control, or rather to exercise, the power of appointing Aumils and collectors in the revenue department, it being reserved to the Nabob's ministers to appoint them, with the concurrence of the Resident; 4thly, To endeavour to reform the disgraceful state of the administration of justice.

The grand object of the English government was, to obtain from the Nabob the payment of the sums for which they had induced him to become bound. But such were the disorders of his administration, and such the effects of those disorders upon the population and produce of the country, that without great reforms this payment seemed impracticable, and without the virtual assumption of the powers of government into better hands than those of the Vizir and his agents, all reform was an object of despair. The government, accordingly, had been converted into a government of Englishmen, in fact; conducted by the instrumentality of the Vizir and his agents, and under the forms of their authority. Of this, the points of instruction to Mr. Middleton, described above, are more than adequate proof.

In the administration of the Nabob, the principal organ went by the name of the Minister. The person raised to this office by the influence of the Governor-General was Hyder Beg Khan. The character and situation of this person, as described by Mr. Hastings himself, require to be noticed. In his instructions to Mr. Bristow, in October, 1782, he says: " Immediately on your arrival, sound the disposition of Hyder Beg Khan. His conduct has, for some time past, been highly reproachable. Till within these three months he possessed, without control, both the unparticipated and entire administration, with all the powers annexed to that government;

the Nabob being, as he ever must be in the hands of some person, a mere cypher in his." To so great a degree did Mr. Hastings represent the Vizir as being the mere tool of the minister, that he treated the very letters of the Vizir, as literally the letters of the minister; and spoke of him and of them in the following terms: "He has dared to use both the Nabob's name and even his seal affixed to letters, either dictated to the Nabob, or written from him without his knowledge." He then proceeded to state the necessity, that this man, in whose hands the Vizir was a tool, should be merely a tool in the hands of the English resident; in other words, that the English resident should wield substantially the powers of government. "I cannot omit," said he, "to repeat the sentiments which I expressed in the verbal instructions which I gave you at your departure, that there can be no medium in the relation between the resident and the minister, but either the resident must be the slave and vassal of the minister, or the minister at the absolute devotion of the resident." He then describes him as the mere creature of the English government. "He exists," said the Governor-General, "by his dependance on the influence of our government; and if he will submit to hold his office on such conditions as I require, I would prefer him to any other. At the same time, it will be necessary to declare to him, in the plainest terms, the footing and conditions on which he shall be permitted to retain his place, with the alternative of dismission, and a scrutiny into his past conduct, if he refuses. These conditions are described as follows; "In the first place, I will not receive from the Nabob, as his, letters dictated by the spirit of opposition—but shall consider every such attempt as the minister's, and as an insult on our government. In the second place, I

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shall expect that nothing is done, in his official character, but with your knowledge and participation; at the same time the first share of the responsibility will rest with you: the other conditions will follow distinctly in their places, because I consider you as responsible for them." The responsibility implies the power; therefore the power was to exist in the resident; and any opposition, so much as by letter, that is, by complaint, was to be considered as an insult on the English government.

To the Minister, Hyder Beg, Mr. Hastings himself wrote in the following terms. "In answer to my letter Rajah Gobind Ram received a perwanna from the Nawab, containing complaints and reproaches at my interference in his affairs, and his unwillingness to receive any agent from me. These sentiments, and these expressions, are neither consonant to the benevolence of the Nawab's temper, nor to the friendship which, I know, he possesses for me;—but were dictated for other purposes, known to yourself only. They are your sentiments, and your expressions; and not the Nawab's. But my astonishment at the other parts of the perwanna is not to be expressed; for it declares all I had said respecting the disordered state of the Nawab's government to be entirely false. Either these affirmations were dictated by the Nawab; or written without his knowledge. If they were dictated by the Nawab, they were such as would not admit of a reply from me, in an immediate address to himself; because I must have told him that he was deceived, and kept in utter ignorance of his own affairs, at the same time that the whole world, except himself, saw the condition they were in, and the destruction that was hanging over him. If the letter was written in the Nawab's name, but without his knowledge, what must have

been your opinion of me, that could induce you to attempt so gross a deception upon my understanding? In either case, your conduct is without excuse. Its object I plainly see. By the authority of the Nawab Vizir you mean your own. When you make the Nawab to complain of the usurpation upon that authority, and to assert his right to the uncontroled exercise of it, the plain interpretation of this is, that you yourself lay claim to the usurpation of his authority, and to the uncontroled exercise of it. And how has it been exercised? I shall not repeat particulars, having already written to you fully upon them—and the subject is unpleasant. But I must tell you that such is their notoriety, that the report of them is echoed to me from all parts of Hindostan and Deccan; and the most alarming apprehensions are expressed by my agents, employed in the remote affairs of this government, lest they should attract the hostilities of other powers."[1]—Such at the end of October, 1782, was the opinion declared by Mr. Hastings of the condition, in which the government of Oude was kept, in the hands of the Nabob, and his Minister.

In pointing out to Mr. Bristow the establishment of new offices, for the business of the revenues, for reform in the administration of justice, for the appointment of new administrators, and the coercion of rebellious Zemindars; as part of the objects, on the accomplishment of which, for the reform in the disorders in the Nabob's government, the desires of the Governor-General were fixed; absolute performance was exacted at the hands of the resident, without any

[1] Governor-General to Hyder Beg Khan, dated 20th Oct. 1782. Minutes, ut supra, p. 797.

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When the resident had as yet been but a few months in office, a letter, as written by the Vizir, dated the 28th of March, 1783, arrived, complaining, in the most bitter terms, of the assumption of his authority by the resident. Instead of treating it, according to the terms of his paper of instructions, as the letter, "not of the Vizir, but of the Minister, and as an insult on the English government," the Governor-General received it with profound respect; and on the 21st of April presented it, with the documents by which it was attended, to the Council, as a matter deserving their most serious regard. From the delicacy of the relation, in which, on account of former oppositions, he stood to Mr. Bristow, he professed a desire to be guided in his sentiments, on this occasion, by the sentiments of the Board. On the 19th of May, consultation upon the subject took place, when the reserve of the Governor-General disappeared. He declared, that "the facts, as stated in the Nabob's complaints, were usurpations of the authority, and even of the sovereignty of the Nabob Vizir." But, what was more singular, he declared that his instructions to Mr. Bristow did not authorize any usurpation of that authority or sovereignty. And he proposed, even before Mr. Bristow should be heard in his defence, that certain proceedings of his, the objects of the Vizir's complaint, should be immediately revoked. The Council, however, rejected this proposition; and only so far concurred with the Governor-General, as to send to Mr. Bristow a copy of the papers, and require his defence. The tone of the Governor-Ge-

neral, upon this, rose very high. "The Governor-General," such were the terms of his minute, "desires it to be recorded, that he protests against the resolution of the Board, and will assign his reasons at large hereafter." What follows is still more remarkable. As if he had penned the instructions by his sole authority, and as if upon that authority alone their validity rested, he declared them no longer of any force. The Minute goes on; "He (the Governor-General) also desires, that as the instructions given by him to Mr. Bristow have no longer any force, and as he solemnly disavows their authority, under any construction, for Mr. Bristow to exercise any controul over the Nabob Vizir, or participation in the sovereignty of the Vizir's dominions, the Board will be pleased to cause such new instructions to be drawn out, and transmitted to Mr. Bristow, as they shall think proper." If the whole extent is admitted of the exaggerating language of Mr. Hastings and the Nabob, which nevertheless very far exceeded the facts, the whole of his paper of instructions not only authorized but commanded a complete control over the Nabob Vizir, and not a participation only in the sovereignty, but the substantial exercise of the whole.[1]

On the 24th of July, Mr. Hastings complained to the Board, that Mr. Bristow had been guilty of disrespect to the Board, in not transmitting his defence; and on this occasion could not forbear alluding to an offence, which he appears never to have sur-

[1] It is memorable, that there is actually in his paper of Instructions the following passage: "From the nature of our connexion with the government of Oude—from the Nabob's incapacity—and the necessity which will for ever exist, (while we have the claim of a subsidy upon the resources of his country,) of exercising an influence, and frequently substituting it entirely in the place of an avowed and constitutional authority in the administration of his government," &c.

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mised without a purpose of punishment; "Perhaps," said he, "Mr. Bristow may wish to avail himself of the principle, which forbids that any man should be condemned unheard, to withhold his defence until he shall have exceeded the period which has been so repeatedly portended for the close of the present government." On the 28th of the same month, he moved, "That Mr. Bristow, for disrespect to the Board, and disobedience of the written orders to him by the Board on the 29th of May, be removed and recalled from his station and office at Lucknow." Yet Mr. Hastings had before him a letter of Mr. Bristow dated on the 23d of June, in the following words: "Since I had last the honour to address you, I have been confined to my room by indisposition. I am now somewhat recovered, and shall not fail to expedite my reply to your commands of the 29th ult., which I have on this account been compelled to postpone." The Board refused to acquiesce in the precipitate condemnation, recommended to them by their President; and soon after, the letter of Mr. Bristow, dated on the 30th day of July, arrived. The resident either absolutely denied the facts which were asserted in the complaints of the Vizir, or represented the actions with which he was charged, as actions to the performance of which he was by the tenor of his instructions compelled, actions absolutely necessary to accomplish the ends which the English government had in view, actions attended with beneficial effects, and performed with all the delicacy possible towards the Vizir. The complaints he represented as flowing solely from the minister, to whose interests all reform was adverse, who had opposed it, in every instance, with all the power of eastern subtlety, with all the power of a despotic influence tyrannically exercised over the helpless Vizir, and with all the

effect which could be given to this power by a hold upon the ear of the Governor-General. On hearing this defence, the Council-General, with the exception of Mr. Hastings, the accuser, unanimously declared, that no misconduct on the part of Mr. Bristow had been proved; and by their decision pronounced a heavy condemnation of their chief. Nothing seems better supported than the opinion which the minute of Mr. Macpherson expressed, " That Mr. Bristow has fully refuted the accusations advanced against him; and that, if they had in some degree been established, they would lie more against the Board than against Mr. Bristow, who continually advised them of his endeavours to carry his instructions into effect."

The Governor-General meditated an important change, in the relations between the Nabob of Oude, and the English government. He moved that in conformity with the proposal of the Vizir, and of his minister, the English residency should be withdrawn, and the joint security of the Nabob and the minister taken for the discharge of the obligations which the Company held upon the government of Oude. In the instructions, to which reference has so frequently been made, of Hastings to Bristow, " The Nabob," it was said, " has repeatedly and bitterly complained of the indignity which he suffers in his authority, by the usurpation of the Company's residents; and has repeatedly demanded, that whenever the Company's balance shall be completely discharged, he may be free from this vexation, that he may be permitted to pay the subsidy in ready money; and that the assignments which have been granted to satisfy that demand may be restored him." The quarter from which this proposition proceeded, Mr. Hastings at the same time declared, was no secret to him. It

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proceeded, he said, from Hyder Beg Khan. He added, "It may not, however, be amiss to talk with the minister on this subject; to let him know, that it is well understood to be a demand for substituting his authority in the place of the Company's, and to invest him with the sovereignty of the Vizir's dominions." These words are pregnant with meaning; in the first place they declare, that the authority, exercised by the Company, embraced the sovereignty of the Vizir's dominions, though, for the sake of criminating Mr. Bristow, he could erect every interference in that sovereignty into an act of guilt; and secondly they declare, that to withdraw the English residency from Oude, was to deliver over the Vizir and his sovereignty into the hands of Hyder Beg, whose character he painted in the blackest colours. Yet, at the very moment, when he was proposing to offer up this sacrifice of the Vizir and his sovereignty to the cupidity and tyranny of Hyder Beg Khan, he was not restrained from the glaring hypocrisy of expressing a deep concern for the indignity which he pretended the Vizir had sustained, by the part which the English resident had acted, in endeavouring to reform his government, and check the malversations of the minister by whom he was oppressed.

At the very time, however, of penning his instructions, Mr. Hastings stated that he had an inclination to the present measure. "I confess," says he, "that I did myself give encouragement to this proposition; knowing at the same time the quarter from which it came, I mean from Hyder Beg Khan; but willing to exonerate this government from the trouble and responsibility, and the Company from the disgrace, of whatever might attend the administration of the Nabob's government. I thought, too, that it presented a sure prospect of the regular payment of the

current demands, by the penalty, which would attend the failure, in the resumption of the former system of assignments, and in the personal claims which it would lay on the minister. But his misconduct has since manifested itself in so many particular instances —besides the universal disorder of the country; and this is so alarming in its effects to our government, that I shall hesitate, until I have the surest and most satisfactory grounds, to recommend an acquiescence in such a measure." What change there was in the grounds, except for the worse, in the few months between the time when this was written, and the date of his motion, does not appear. Another point is also remarkable. In the conversation which the Governor-General recommended to the resident to hold with the minister on this subject, he desired him to ask, provided the sovereignty of the Vizir's dominions according to the terms of his proposition were transferred to him, "Whether, in the event of his involving our government in a new scheme of hostilities, by those which his mal-administration may produce, whether internally, or by invasion in that country, he shall think himself in justice exempt from the personal vengeance which we may be disposed to exact from him."

In the first letter of complaint, which was received from the Vizir against Mr. Bristow, the proposition for the removal of the residency, and the appointment of Hyder Beg Khan to the entire management of the country, was renewed; and Mr. Stables, in his Minute in Council on the 19th of May, 1783, declares, that this was the "great object which the minister, and" (the cypher in his hands) "his master, had in view, in preferring their complaints against the resident." Mr. Stables added, "In jus-

BOOK V. CHAP. 8. 1783. tice and candour to the Nawab Vizir and his minister, I think the Board ought explicitly to declare, that they cannot, on any account, comply with the Vizir's request, to grant him discretional powers over his country, while such heavy debts remain due to the Company." In the debate, too, in Council, of the 31st of July, after the proposition was formally moved by the Governor-General, it met with the opposition of all the other Members of the Board. The tone of the Governor-General, however, after the opposition had lasted for a little time, grew so high, as to intimidate his colleagues; threatening them with the inconveniences of a divided administration, and the loss of his authority in the difficulties which attended the government of Oude. They were, therefore, induced to offer on the 31st of December to acquiesce in his proposal, provided he would take the whole responsibility of the measure upon himself. This, however, was a load which the Governor-General declined. It was afterwards explained, that responsibility with his fortune, or a pecuniary responsibility, was not understood. Responsibility, thus limited, which, in fact, was no responsibility at all, leaving nothing to be affected but his reputation, which it was impossible to exempt, he had no objection to undergo. On the 31st of December, it was determined, that the residency should be withdrawn; on receiving the security of creditable bankers for the balance which the Nabob owed to the Company, and for the accruing demands of the current year.

Many grounds of suspicion are laid in this transaction. From one remarkable fact, they derive the greatest corroboration. There is great reason to believe, that the letters which were written in the name of the Nabob, complaining of Bristow, were

in fact suborned by the Governor-General, written in consequence of instructions, that is, commands, secretly conveyed.

When Mr. Bristow was removed, just before the first journey of the Governor-General towards Oude, the removal was in like manner preceded by violent complaints from the Nabob. These complaints were suborned. Mr. Hastings himself, when proposing the return of Mr. Bristow in 1782, informs the Nabob's Vakeel, that "His Highness," meaning the Nabob, "had been well pleased with Mr. Bristow, and that he knew what the Nabob had written formerly was at the instigation of Mr. Middleton."[1] The instigation of Mr. Middleton was the instigation of Mr. Hastings.

Besides, it is in evidence, that this was not a singular case. It was the ordinary mode of procedure, established between Mr. Hastings and the Nabob. There was, it appears, a regular concert, that the Nabob should never write a public letter respecting the residents or their proceedings, till he had first learned privately what Mr. Hastings wished that he should express, and that he then wrote accordingly. This appeared most fully, after the departure of Mr. Hastings, when the Nabob proposed to carry on the same practice with his successor. In a letter, received on the 21st of April, 1785, "I desire," says the Vizir, "nothing but your satisfaction: And hope, that such orders as relate to the friendship between the Company and me, and as may be your pleasure, may be written in your *private* letters to me through Major Palmer, in your letters to the Major, that he may in obedience to your orders properly explain

[1] Extract of an Arzee, written (27th August, 1782,) from Rajah Gobind Ram to the Vizir, by the Governor-General's directions. Minutes of Evidence, ut supra, p. 795.

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them to me, and whatever may be settled he may first, in secret, inform you of it, and afterwards I may write to you, having learnt your pleasure—in this way, the secrets will be known to your mind alone, and the advice upon all the concerns will be given in a proper manner." The same thing is still more clearly expressed by the minister Hyder Beg Khan, on the same occasion. "I hope that such orders and commands as relate to the friendship between his Highness's and the Company's governments, and to your will, may be sent through Major Palmer in your own *private* letters, or in your letters to the Major, who is appointed from you at the presence of his Highness, that, in obedience to your orders, he may properly explain your commands, and whatever affair may be settled, he may first secretly inform you of it, and afterward his Highness may, conformably thereto, write an answer, and I also may represent it. By this system, your pleasure will always be fully made known to his Highness, and his Highness and me will execute whatever may be your orders, without deviating a hair's breadth." When it was the intention of Mr. Hastings that Mr. Bristow, who had been withdrawn upon complaints, which, without any dislike to Mr. Bristow, the Nabob through Middleton had been instructed to prefer, that obedient sovereign was instructed to make an application of a very different description. "The Governor," said the Nabob's Vakeel in the Arzee already quoted, "directed me to forward to the presence, that it was his wish, that your Highness would write a letter to him; and, as from yourself, request of him that Mr. Bristow may be appointed to Lucknow." In his answer to the Vakeel the Nabob curiously says, "As to the wishes of Mr. Hastings, that I should write for him to send Mr. John Bris-

tow, it would have been proper, and necessary, for you, privately to have understood what were Mr. Hastings' real intentions; Whether the choice of sending Mr. John Bristow was his own desire: Or, whether it was in compliance with Mr. Macpherson's —that I might then have written conformably thereto.—Writings are now sent to you for both cases. Having privately understood the wishes of Mr. Hastings, deliver which ever of the writings he shall order you."[1]—After all this, and after the threats of Mr. Hastings against all letters from the Nabob which he might dislike, the meaning of the letters complaining of Bristow cannot be misunderstood. It was a shrewd surmise of the Nabob, respecting Macpherson: who had become recently a Member of the Supreme Council, and whose support Mr. Hastings might require. The accusations, which the Governor-General afterwards aimed at Mr. Macpherson for supporting Bristow, fall in, at least, with the conjecture.

The cause which prompted so violent a desire for his recall is involved in comparative mystery. We can trace a kind of analogy. As the preceding removal of Mr. Bristow was immediately followed by the first visit of the Governor-General to the Nabob; so the present removal was immediately followed by another. This, undoubtedly, proves nothing against Mr. Hastings: But if there be any other grounds for suspicion, this tends to confirm them. If these visits were intended for any unjustifiable transactions between the Governor and Nabob, the removal of a witness, whose compliance could not be depended upon, was just the proceeding which, in such circumstances, every man would adopt.

[1] Minutes of Evidence, ut supra, p. 798, 799, 796.

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Before the removal of the residency was finally settled, the Governor-General had represented, that a great demand existed for his presence in Oude, to aid in settling the disorders of the country, and in making such arrangements as would enable the Vizir to fulfil his engagements. His journey was opposed by the other Members of the Board. Upon it, however, for some reason or another, the Governor-General had set his heart. A letter was procured from Major Palmer, representing the state of the country as alarming, and urgently requiring the immediate presence of Mr. Hastings; with other letters from the Vizir, and his minister, earnestly requesting to see the Governor-General at Lucknow. The consent of a majority of the Council was at last obtained; and Mr. Hastings was authorized to proceed to Lucknow, vested with all the powers of the Board, to regulate and determine the affairs both internal and external of the state, and for that purpose to command even the military resources of the English government without control. The proposition of the Governor-General was introduced on the 20th of January, 1784; the consultation was closed, and the authority of the Board conferred on the 16th of February; and on the following day, the 17th, the journey of the Governor-General began.

In proceeding to Lucknow, he passed through the province of Benares, which, in the time of Cheyte Sing and his father, manifested so great a degree of prosperity; and, there, witnessed the effects of his late proceedings. The first deputy whom he had appointed for the Rajah was dismissed for the offence of not making up his payments to the exacted amount. The second, as might well be expected, acted upon the "avowed principle, that the sum fixed for the revenue must be collected." The consequence

was, that the population were plunged into misery; and desolation pervaded the country. "From the confines of Buxar," says Mr. Hastings, "to Benares, I was followed and fatigued by the clamours of the discontended inhabitants. The distresses which were produced by the long-continued drought unavoidably tended to heighten the general discontent. Yet, I have reason to fear, that the cause existed principally, in a defective, if not a corrupt and oppressive administration." "I am sorry to add, that from Buxar to the opposite boundary, I have seen nothing but traces of complete devastation in every village." "I cannot help remarking, that except the city of Benares, the province is in effect without a government. The administration of the province is misconducted, and the people oppressed; trade discouraged, and the revenue in danger of a rapid decline from the violent appropriation of its means."[1] It is remarkable, how few of the political arrangements of Mr. Hastings produced the effects which he expected from them; and how much his administration consisted in a perpetual change of ill-concerted measures. The arrangements for the government of Benares were his own; and for the effects of them he was responsible; but he enjoyed a happy faculty of laying the blame at any door rather than his own. He ascribed the existing evils to the deputy solely; and with the approbation of the Council removed him. The predecessor of that deputy, who transgressed in nothing but the extent of his exactions, met with a severer fate. To procure some redress of his grievances, he had even repaired in person to Calcutta, where, so far from receiving any attention, he received two peremptory orders from the Supreme Council to quit the city,

[1] Letter from the Governor-General to the Council Board, dated Lucknow, 2d of April, 1784.

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and return. Nor was this all. Upon the arrival of Mr. Hastings at Benares, he ordered him into prison again; after which his vexations and hardships soon put a period to his life. His poverty was real, and he died insolvent.

The Governor-General arrived at Lucknow on the 27th of March. He had some success in obtaining money from the minister into whose hands the government was transferred. In order still more to disburthen the revenues of the Vizir, he agreed to withdraw the English detachment commanded by Colonel Sir John Cummings, which still was stationed on the frontiers of Oude at the Nabob's expense; and agreed for this reason, "That the Company would gain nothing by its continuance, since the Nabob had not the means of defraying the expense; and whether it remains," he added, "on account of the Company, or be continued to swell the Nabob's with an accumulating debt which he cannot pay, its effects on the Company's funds will prove the same, while it holds out a deception to the public." Mr. Hastings had eluded inquiry into the truth of the allegations on which the confiscation of the estates and treasures of the Begums, and others, had been ordered; and the commands of the Court of Directors had till this time remained without effect. The time, however, was now come, when at least a partial obedience was deemed expedient; and Mr. Hastings reported to the Board, that the jaghires of the Begums, and of the Nabob Salar Jung, the uncle of the Vizir, had been "restored, conformably to the Company's orders, and more so to the inclinations of the Nabob Vizir, who went to Fyzabad for the express purpose of making a respectful tender of them in person to the Begums." The restoration, however, tardy as it was, fell greatly short of completeness; for Mr. Hast-

ings reported that the personages, in question, had made a *voluntary* concession of a *large* portion of their respective shares." The Governor-General was now so far from expressing any apprehension of disorder from the possession of jaghires by the Princesses and other principal persons of the Nabob's family, that he declared his expectation of their influence in supporting the arrangements which had taken place with the Vizir.[1]

The Governor-General departed from Lucknow on the 27th of August. He arrived at the Presidency on the 4th of November, resumed his seat at the Council Board on the 11th, and on the 22d reminded the Directors of his request, addressed to them on the 20th of March in the year 1783, to nominate his successor. He now began to prepare for his departure. On the 8th of February, 1785, he resigned his office, and embarked for England.[2]

In India, the true test of the government, as affecting the interest of the English nation, is found in its financial results. In 1772, when the administration of Mr. Hastings began, the net revenues of Bengal, Bahar, and Orissa, which, being the principal branch of receipt, will suffice for that general conception which is all I can attempt to convey, were 2,373,650*l.*; the civil and military charges of the government of Bengal were 1,705,279*l.*; difference 668,371*l.*: The whole of the bond and other debts in India were

[1] Letters from the Governor-General to the Council Board, dated Benares, 20th September, 1784.

[2] For the preceding train of measures, the reader is referred to the Papers, relating to the province of Oude, presented to the House of Commons in the year 1786; to the Third, Fourth, Fifth, Sixteenth, and Twenty-second Articles of Charge, presented by Burke, with the Answers of Mr. Hastings, and the Appendix of Documents printed along with them; also to the Minutes of Evidence on the Trial, in which the Documents were printed again.

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1,850,166*l.*; and the debt in England, including capital stock, and the sums due to the annuitants, was 12,850,166*l.* In 1785, the revenues of Bengal Bahar, and Orissa, including the new revenue of Benares, and the subsidies from Oude, amounted to 5,315,197*l.*; the charges, deducting Clive's jaghire, 30,000*l.* per annum, which ceased in 1784, one half of the allowance to the Nabob of Bengal, and the tribute to the Mogul, amounted to 4,312,519*l.*; the difference, 1,002,678*l.*, is an improvement upon the year 1772, of 334,307*l.*; but, on the other hand, the debt in 1786, when the whole of the arrears of Mr. Hastings' administration were brought to account, was raised to 15,443,349*l.* in England; and in India, including China, to 10,464,955*l.*; a sum of 25,908,334*l.*; to which should be joined 1,240,000*l.* the sum which was yielded by the subscription at 155 per cent. of 800,000*l.* added this year to the capital-stock. The administration of Mr. Hastings therefore added about twelve and a half millions to the debt of the East India Company; and the interest at five per cent. of this additional debt, is more than the amount of the additional revenue.[1]

Nor is this the only unhappy result in the financial administration of Mr. Hastings. The net territorial revenues of Bengal, Bahar, and Orissa, instead of increasing had actually declined. In the year ending the 1st of May, 1772, they amounted to the sum of 2,126,766*l.*, and in the year ending on the same day in 1785, to that of 2,072,963*l.*[2] In Lord Corn-

[1] For these statements see the accounts exhibited in the Fourth, Fifth, and Sixth Reports of the Committee of Secrecy in 1781; and the accounts presented to parliament for the several years. See also Bruce's Plans for British India, p. 323.

[2] An account presented to the House of Commons, March 30th, 1786.

wallis's celebrated revenue letter, dated, 16th November, 1786, it is allowed, that the state of the accounts exhibits a debt in India of 8,91,25,518 rupees, and assets valued at 5,81,24,567, with a balance against the Company of 3,10,00,950. But Lord Cornwallis observes, that the account of assets is so much made up for the sake of show, that is, delusion, that it presents a result widely distant from the truth; and that the balance between the debts, and such assets as are applicable to their extinction, would not, in his

See also the following statement of the Bengal Revenues, taken from the printed Minutes of Evidence on Mr. Hastings' Trial, p. 1275.

Years.	Current net Collections.	Balances collected.	Total.	Bengal charges Collection.
1776—7	187,15,865	13,94,769	201,10,634	49,05,739
1777—8	170,49,710	20,78,451	191,28,161	53,80,818
1778—9	173,95,871	19,19,747	193,15,618	56,45,947
1779-80	180,21,226	15,66,322	195,87,548	56,80,637
Rupees,	711,82,672	69,59,289	781,41,961	216,13,141
1781-2	189,55,004	6,23,989	195,78,993	66,55,869
1782-3	188,24,855	6,50,462	194,75,317	59,63,661
1783-4	181,93,492	4,49,916	186,43,408	71,29,094
1784-5	176,68,646	8,91,702	185,60,348	73,73,738
Rupees,	73,641,997	26,16,069	762,58,066	271,22,362
	Less in last four years......		18,83,895	
	Increase in last four years..............			55,09,221
1777—1780	Total........................		580,31,327	
1781—1784	....		576,97,718	
	Less in last three years		3,33,909	
1774-5	195,69,610	17,40,399	213,10,009	
1775-6	195,25,825	12,18,176	207,44,001	
1776-7	187,15,865	13,94,769	201,10,634	
	578,11,300	43,53,344	621,64,644	
Total in 1781—1784............... ..			576,97,718	
Less in last three years..............			44,66,927	

BOOK V. CHAP. 8. 1785. opinion, fall short of 7,50,00,000 rupees. "Of this debt something more than a crore of rupees was subscribed for transference to England, leaving a debt of about 6½ crore, "nearly the whole of which," he says, "is running at an average rate of interest of 8⅜ per cent. per annum." "For the discharge of this," his Lordship adds, your Bengal government alone can hereafter furnish a fund; which (under the limitations in the estimate), is stated at a gross sum of about 46,00,000 current rupees per annum. And the ordinary expenses of your different settlements, allowing for the provision of an European investment, at present exceed their resources."[1] That is to say; The revenue of the Indian government, at the close of the administration of Mr. Hastings, was not equal to its ordinary expense.

The incidents which had occurred under the Presidency of Madras, from the period of terminating

Another View of the Collections under the Bengal Government.

Years.	Current Collections.	Collected account Ba'ances.	Gross Collection.	Charges Collection.	Annual Receipts into the Treasury.
1772—3	2,37,29,763	18,18,226	2,56,17,989	41,56,970	2,14,61,019
1773—4	2,35,77,528	18,05,528	2,53,83,057	43,02,596	2,10,80,460
1774—5	2,37,20,882	17,40,399	2,54,61,282	41,51,272	2,13,10,009
1775—6	2,40,33,296	12,18,176	2,55,51,472	45,07,471	2,10,44,001
1776—7	2,36,21,604	13,94,769	2,56,16,373	49,05,739	2,01,10,434
1777—8	2,24,30,527	20,79,450	2,45,08,978	53,80,818	1,91,28,160
1778—9	2,30,41,818	19,19,747	2,49,61,565	56,45,946	1,93,15,618
1779-80	2,37,01,863	15,66,321	2,47,68,185	56,80,937	1,90,83,547
1780-81	2,26,82,691	14,24,542	2,41,07,233	60,98,510	1,80,08,723
1781—2	2,56,10,873	6,23,989	2,62,34,863	66,55,869	1,95,78,993
1782—3	2,47,88,515	6,50,461	2,54,38,977	59,63,660	1,94,75,316
1783—4	2,53,22,585	4,49,915	2,57,72,201	71,29,093	1,86,43,107

Mr. Stuart's Minute on the Revenues of Bengal, Bahar, and Orissa; Minutes of printed Evidence of Hastings' Trial, Appendix, Art. vi. No. 157, p. 904.

[1] Extract from Revenue Letter, printed by order of the House of Commons, 1787.

the war with Tippoo, till the time when Mr. Hastings surrendered his office, remain to be adduced.

1782. The situation of the Nabob of Arcot, as it had long been, so it continued to be, a source of uneasiness and of difficulty to the English rulers in the southern Presidency. The wretched government, which that Nabob maintained, and which his want of talents, his want of virtue, and the disadvantages of his situation, disqualified him for improving, not only sunk the people into the deepest wretchedness, but cut off the resources required for the defence of the country. The impossibility, which the Presidents had experienced, of obtaining, through his hands, the means which were necessary to provide for the security of the province; or their connivance, from unworthy motives, at his unwillingness to provide them, had laid open the country to all the disasters, to which the weak and unprotected state in which it was found by Hyder Ali exposed it. When the war began, the strongest necessity existed for rendering the resources of the country available to its defence. Supplies, in the highest degree defective, had been obtained from the Nabob; nor was there any rational prospect of improvement. For the payment of particular debts, both to the Company and to individuals, it had been usual with him, according to the custom of Indian princes, to grant assignments on the revenues of particular districts; and no inconsiderable portion of the whole was under this disposition. As the exigency was peculiarly violent; nothing less being immediately at stake, than the existence, in the Carnatic, of both the Nabob and the English; Lord Macartney regarded an extension of the same expedient, namely, an assignment of all his revenues, as the only feasible plan for meeting the present difficulties; and compliance with it, as no unreasonable condition imposed

BOOK V. CHAP. 8. 1782. on the Nabob, seeing the proceeds were to be employed for his own defence, and that it was impossible he could, if defended at all, be so well defended, by any other means. Not without great difficulty the consent of the Nabob was obtained. It was an arrangement far from agreeable to that vanity and ambition, which formed a strong ingredient in his character. And there was no want of persons in his confidence who inflamed his discontent; and who excited him to employ every stratagem to obtain the surrender of the power he had given away.

It has already been observed, that the seat or durbar of the Nabob, who had taken up his residence at Madras, was one of the most corrupt and active scenes of intrigue, that had ever been exhibited in India. The Nabob, who was totally incompetent to his own defence, was necessarily in a state of abject dependance upon the Company: but, receiving directly the revenues of the country, he endeavoured, as far as possible, by the application of money, to secure the gratification of his will. His policy was, to purchase friends among the English rulers; and to excite opposition to those whose acquiescence he failed in acquiring. The effects were mischievous, in a variety of ways. The servants of the Company were too frequently taught to look to the violation, rather than the performance of their duties, as their most certain source of reward; and the business of the Presidency was in general disturbed by a violent spirit of division and counteraction.

The mind of the Nabob was of that class of minds which must, by a kind of necesssity, be always governed by somebody; and in the imbecility of age, and of a constitution worn with indulgence, he now leaned more absolutely on the accustomed support, than at an earlier period of his life. The persons who at

this period had acquired the entire ascendancy over him were Ameer ul Omrah, his second son, and Paul Benfield. The former is described as excelling in all the arts of eastern, the latter in all the arts of western, villainy. The passion of the former was power, the passion of the latter, money; and this much, at least, appears, that both pursued their ends with much ardour, with great talents for intrigue, with great audacity, and not much of moral restraint. The immediate object of the former was to get his elder brother disinherited, and to obtain the succession for himself. For this purpose the old Nabob, whose passions and those of his favourite were one, had employed all his arts to obtain from the Company an acknowledgment, that he had the right of naming his successor, without regard to the established order of inheritance. With a view, by obtaining favour with the English, to pave the way to this and other desirable objects, the Ameer ul Omrah had acted the part of a zealous instrument in obtaining the consent of his father to the assignment of the revenues. When he found that Lord Macartney was as little subservient to his purposes, after this event as before, his disappointment and his enmity were equally strong. His endeavour was to render the assignment useless; to annul, if possible, the transaction. As he had his father's mind compliant in all things, so he had it eager in the pursuit of an end, the hope of which served as a balm to the wound his pride had received, in ever relinquishing the management of the revenues. In Benfield he met with an able coadjutor. Benfield had been removed by Lord Macartney from some of the offices which he held as a servant of the Company. The liberalities and the views of the Nabob and his son pointed out a path to fortune as well as revenge.

The first expedient was, by practising on the ren-

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ters, and other persons in charge of the revenues, to render unproductive the collections. Disordered and desolate as the country was, without a government, and ravaged by a destructive foe, the realizing of any revenue was in itself a difficult task. Lord Macartney had appointed a committee, consisting of some of the most trust-worthy of the Company's servants at the Presidency, for conducting the business relative to the assigned revenues. They speedily discovered, that secret orders and suggestions, which counteracted all their proceedings, had been sent into the districts. The people had been taught to distrust the validity of the engagements formed with the English government; and hence to practise all the arts of delay and evasion. The greatest oppression was evidently exercised upon the unhappy cultivators: yet little could be obtained from the renters and collectors for the Company's treasury; while large sums, it is affirmed, were privately sent to the Ameer ul Omrah.[1]

The known enmity of Sir Eyre Coote to Lord Macartney suggested the first stratagem for overturning the engagement with the President. A bait was offered, the attractions of which, it was supposed, the avidity of the General for power would not be able to resist. The Nabob offered to vest in his hands full authority over all the officers of his government and revenues. But the general too well knew what a frightful chaos his government was, to have any desire for the responsibility of so dangerous a trust.

As soon as it was found that the ear of the Governor-General was open to representations against the Governor of Madras, it was a channel in which the

[1] Barrow's Life of Macartney, i. 241.

Nabob and his instruments industriously plied. Lord Macartney was accused of not having abilities to render the assignment of the revenues productive; of enhancing the disorders of the country; and, above all, of practising the utmost cruelty and oppression towards the Nabob and his family. Letters of this import were not only sent at various times in the Nabob's name to Bengal; but one was written and transmitted to the British King.

Sufficient encouragement having been received from the Governor-General, the Nabob ventured at last to solicit the restoration of his revenues, by the surrender of the assignment: And his former agents, Assam Khan and Mr. Richard Sullivan, were sent on a second mission to Bengal in January, 1783.

Their criminative representations against Macartney were received; and not only entered on the records, but immediately sent to England; without communication to the party accused; and of course without an opportunity afforded him of obviating their effects, however undeserved, by a single word of defence. A most singular examination of the Nabob's agents or advocates took place before the Supreme Council, on the subjects on which the Nabob prayed their interference. The agents were directed to state whatever they knew, and did state whatever they chose; matters of hearsay, as much as of perception; without a word of cross-examination, from an opposite party, to limit and correct the partial representation of interested reporters. After completing their statements, and not before, they were asked, if they would swear to the truth of what they had stated. The compulsion was almost irresistible. To have said, they would not swear, was to confess they had not spoken truth. Assam Khan, however, excused himself, on the plea that it was not honourable for a

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Mussulman to confirm what he said by an oath. Mr Sullivan had no such apology, and therefore he took his oath, but with a tolerable latitude; that, "to the best of his belief and remembrance, he had spoken the truth and nothing but the truth;" an oath which, if we have charity enough to believe it to be in no degree strained, affected not any part of the truth, however material, which it might have suited and pleased him to suppress.

On the strength of this information, partial and interested as it was, a resolution was passed, on the 8th of January, 1783, to surrender the assignment into the hands of the Nabob: though not only had this assignment been formerly approved and highly praised by the Governor-General and Council, as an act of equal utility and justice, but the delicacy of the Madras government, which endeavoured to accomplish the end by gentle means, had been treated as too scrupulous, and the utility of a greater severity particularly and strongly displayed.[1]

[1] The reader should have before him the very words. In the letter from the Governor-General and Council to the president and Select Committee of Fort St. George, dated 5th April, 1782, they "regret," they say, "that the government of Madras should have suffered any consideration, even of delicacy towards the Nabob, or attention for those feelings which it might be natural for him to retain, to restrain them from availing themselves as effectually of the assignment as the desperate necessity which exacted such a concession inevitably demanded." They add a great compliment, and say, "Happy would it be for the national interests and reputation, if the same disinterested and forbearing spirit should invariably dictate the conduct of their affairs." They rise to the use of unlimited terms, instructing the Governor to assume every power necessary to render the assignment effective—"in a word, the whole sovereignty" (such is their expression) "if it shall be necessary to the exercise of such a charge, not admitting the interposition of any authority whatever, which may possibly impede it. If you continue the Nabob's agents; or suffer them to remain, under whatever denomination, in the actual or virtual control of the revenue, they are your servants, and you alone will be deemed responsible for all their acts. And your intercourse with the Nabob may and ought to be restricted to simple acts and expressions of kindness."

The interruption and disturbance, which the Nabob was able to give to the government of Madras, he was emboldened to carry to the greatest height, by the encouragement which he received from so high a quarter. A viler display of hypocrisy is not upon record, than the language in which the author of the calamities of the whole Rohilla nation, of those of Cheyte Sing, and of the Begums of Oude, affected to bewail the cruelties which, he said, were practised upon the Nabobs of Carnatic and Oude, by Lord Macartney, and Mr. Bristow. "The condition," Mr. Hastings said,[1] "of both Princes is equally destitute and equally oppressed; and the humiliation of their remonstrances shows them to be equally hopeless of any redress but in the mercy of their oppressors." Orders were despatched to Madras for the restoration of his revenues to the Nabob; of which the sixth part, which he had reserved to himself, as requisite for the maintenance of his family and dignity, had been exactly paid; and in reality yielded to him more money for his private purposes, than he had ever before enjoyed. It curiously happened, that before the orders of the Supreme Council arrived at Madras, dispatches were received from the Court of Directors, which conveyed their approbation of the assignment, and commanded the assistance of the Bengal government to render it effectual; dispatches which, at the same time, contained the condemnation of the transaction by which Mr. Sullivan was appointed an agent

[3] In his Minute on the 2d of November, 1783, printed among the papers presented to the House of Commons on the 13th of March, 1786. For the opinion which Mr. Hastings entertained of the mischievous character of the Nabob, and of the intrigues of which he was at once the cause and the dupe, entertained as long as since the period when he was second in council at Madras; see the records of that Presidency in Rous's Appendix, p. 682*, 688*, 704, 717, 718, 729.

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of the Supreme Council at the residence of the Nabob, and a declaration that the only organ of communication with Mahomed Ali was the Governor and Council of Madras. Upon this communication from the Court of Directors, the Governor and Council applied to the Supreme Council for the assistance which they were commanded to yield. After a hesitation of a few months, the Supreme Council resolved to disobey: And informing the Governor and Council of Madras, that they assumed the right of judging for themselves, they repeated their orders of the 13th of January, and commanded the surrender of the assignment.

The consequences of obedience appeared to Lord Macartney of the most alarming description. The pay of the Madras army was at that moment seven months in arrear: from the resources of Carnatic alone was any supply to be obtained: not a single pagoda, since the death of Sir Eyre Coote, had been sent from Bengal: if the assignment was given up, the slender produce of the Circars, which Mr. Hastings would have sacrificed, would alone have remained: and neither the native, nor European troops, could be expected to bear any addition to the privations which they now endured. With a prospect of the actual dissolution of the government, if the revenues, on which every thing depended, were at so extraordinary a moment given up; and fully impressed with the conviction, that to surrender them to the Nabob was to render them unavailing to the defence of the country, defence which then fell upon the Company without any resources, and oppressed them with a burden which they were unable to bear, he resolved to maintain the assignment, which, at the close of the second year, had yielded one million

sterling from those very countries, which for eighteen months after the invasion of Hyder Ali had not contributed a pagoda toward the expenses of the war.

With this disobedience, Mr. Hastings, whose administration was now so formidably assailed in England, and who was deeply concerned in the success with which he might perform the business of winding it up, found, either not leisure, or not inclination, to enter into contest.[1]

After the unreserved exhibition, which I have accounted it my duty to make, of the evidence which came before me of the errors and vices of Mr. Hastings's administration, it is necessary, for the satisfaction of my own mind, and to save me from the fear of having given a more unfavourable conception than I intended of his character and conduct, to impress upon the reader the obligation of considering two things. The first is, that Mr. Hastings was placed in difficulties, and acted upon by temptations, such as few public men have been called upon to overcome: And of this the preceding history affords abundant evidence. The second is, that no man, probably, who ever had a great share in the government of the world, had his public conduct so completely explored, and laid open to view. The mode of transacting the business of the Company, almost wholly by writing; first, by written consultations in the Council; secondly, by written commands on the part of the Directors, and written statements of every thing done on the part of their servants in India; afforded a body of evidence, such as under no other government ever did or could exist. This evidence was brought forward, with a completeness never before

[1] Papers presented to the House of Commons, pursuant to their orders of the 9th of February, 1803, regarding the affairs of the Carnatic, vol. ii.; Barrow's Life of Lord Macartney, i. 238—280.

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exemplified, first by the contentions of a powerful party in the Council in India; next by the inquiries of two searching committees of the House of Commons; in the third place by the production of almost every paper which could be supposed to throw light upon his conduct, during the discussions upon the proceedings relative to his impeachment in the House of Commons; lastly, by the production of papers upon his trial. And all this was elucidated and commented upon by the keenest spirits of the age; and for a long time without any interposition of power to screen his offences from detection. It is my firm conviction, that if we had the same advantage with respect to other men, who have been as much engaged in the conduct of public affairs, and could view their conduct as completely naked, and stripped of all its disguises, few of them would be found, whose character would present a higher claim to indulgence than his. In point of ability, he is beyond all question the most eminent of the chief rulers whom the Company have ever employed; nor is there any one of them, who would not have succumbed under the difficulties which, if he did not overcome, he at any rate sustained. He had no genius, any more than Clive, for schemes of policy including large views of the past, and large anticipations of the future; but he was hardly ever excelled in the skill of applying temporary expedients to temporary difficulties; in putting off the evil day; and in giving a fair complexion to the present one. He had not the forward and imposing audacity of Clive; but he had a calm firmness, which usually, by its constancy, wore out all resistance. He was the first, or among the first of the servants of the Company, who attempted to acquire any language of the natives, and who set on foot those liberal inquiries into the lite-

rature and institutions of the Hindus, which have led to the satisfactory knowledge of the present day. He had that great art of a ruler, which consists in attaching to the Governor those who are governed; his administration assuredly was popular, both with his countrymen and the natives in Bengal.

CHAP. IX.

Legislative Proceedings from 1773 *to* 1780*—Renewal of the Charter—Select and Secret Committees of the House of Commons—Proceedings against Indian Delinquency—Mr. Dundas's East India Bill—Mr. Fox's East India Bills—Mr. Pitt's East India Bill.*

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IT is now time to inquire into the proceedings to which the affairs of India had given birth in England since the last great legislative interference. From the year 1767 till the year 1773, the East India Company was bound to pay to the public yearly the sum of 400,000*l.*, "in respect of the territorial acquisitions and revenues lately obtained in the East Indies." But in the year 1773, the financial embarrassments of the Company became so great, that they were obliged to solicit, and they received, a loan from the public of 1,400,000*l.* At that time it was represented, "That, in the then circumstances of the East India Company, it would not be in their power to provide for the repayment of such loan, and for the establishing their affairs upon a more secure foundation for the time to come, unless the public should agree to forego for the present, all particicipation in the profits arising from the territorial acquisitions and revenues lately obtained in the East Indies."[1] It was, accordingly, at that time enacted, that it should not be lawful to make a dividend of

[1] Such are the words of the preamble of the act 21 Geo. III. c. 65.

more than six per cent. per annum on the Company's capital stock, till that loan was repaid; and that the whole of their surplus profits should be applied to its liquidation: that after the loan of 1,400,000*l.* should be repaid, it should not be lawful to make a dividend of more than seven per cent. per annum, upon the capital stock, until, by the application of the whole of their surplus profits, their bond debt should be reduced to the sum of 1,500,000*l.* In the year 1779, the loan being repaid, and the debt reduced, according to the terms of the preceding ordinance, an act was passed, to be in force for one year, permitting a dividend of eight per cent. for that year, and reserving the surplus profits for the future disposal of the legislature. In the year 1780, another act was passed for one year also, containing precisely the same enactments as that of the preceding year.

As the exclusive privileges were to expire upon three years notice after the 25th of March, 1780, it was now high time to treat about a renewal of the charter; and accordingly, during the latter part of that year, and the beginning of 1781, much negotiation took place between the treasury and the East India House. In parliament, the business was of very difficult handling. The contests between the Supreme Council and Supreme Court, which were represented as actually opposing one another with an armed force, had given occasion to petitions from the British subjects in India, from the Governor-General and Council, and from the East India Company; and had made a deep impression upon the public mind: The complaints and representations of Mr. Francis, taken up warmly by a powerful party in the legislative assembly, had filled the nation with ideas of injustice and other crimes on the part of Mr. Hastings: Intelligence had been received of the irruption

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of Hyder Ali into Carnatic, with the strongest representations of the misconduct of those agents under whom so much calamity had arrived: And strong fears were excited, that the ruin of the English interests, in that part of the world, was at hand.

The points were two, upon which the views of the minister and the Company found it difficult to concur: the right to the territory; and the remuneration due to the public for the advantages which the East India Company were allowed to enjoy. According to the minister, the right of the crown to all territory acquired by subjects, was a matter of established law: The Company were at this time sufficiently bold to assert, that the Indian territory which they had acquired belonged of right to themselves. On the other point, the only question was, what proportion of the proceeds from the Indian territory, the East India Company should be made to give up to the nation.

Lord North was now tottering on the ministerial throne: The East India Company were, therefore, encouraged to greater boldness, in standing out for favourable terms: And they declined to bring forward a petition for a renewal of the charter, on those terms to which the minister desired to reduce them. On the 9th of April, 1781, he represented, that " though he did not then intend to state any specific proposition relative to the future management of the Company's affairs, still he held it to be his duty to state to the House some points, that would be very proper for them to consider, before they should proceed to vote: First, the propriety of making the Company account with the public for three-fourths of all the net profits above eight per cent. for dividend; Secondly, of granting a renewal of the charter for an exclusive trade for a short rather than a long term;

Thirdly, of giving a greater degree of power than had been hitherto enjoyed, to the Governor of Bengal, that, in future, among the members of the Council he might be something more than a mere *primus inter pares,* equal with the name of chief; Fourthly, of establishing a tribunal in England, for jurisdiction in affairs relating to India, and punishing those servants of the Company who should be convicted of having abused their power; Fifthly, the propriety, as all the dispatches received from India by the Directors were by agreement shown to his Majesty's Secretary of State, of making all dispatches to India be shown to him before they were sent, lest the Directors might at some time or other precipitate this kingdom into a war without necessity with the princes of that country; Sixthly," he said, "it would be the business of the House to determine, upon what terms, and whether with or without the territorial revenues, the charter should be renewed; Seventhly, whether, if government should retain the territories, it might not compel the Company to bring home the revenue for government; and Eighthly, whether any, and what regulations ought to be made, with respect to the Supreme Court of Judicature."[1]

Of these propositions, the third, the fourth, and the fifth, are remarkable, as the archetype, from which were afterwards copied three of the principal provisions in Mr. Pitt's celebrated East India bill.[2]

[1] See Parliamentary History, xxii. 111.

[2] The purport of these three propositions he expressed more explicitly on the 25th of May. "He had an idea which he had once thrown out, of giving the Governor-General greater powers than were at present vested in him; authorizing him in some cases to act independently of his Council, only stating to them, after he had so acted, the reasons upon which he justified his conduct, and sending home those reasons, together with such as the Council should at the time have delivered, in case they differed in opinion from the Governor-General.......Another

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At last a compromise was effected between the minister and the Directors. A petition for renewal of the charter was presented from the Directors, on the 26th of June, 1781. And an act was passed, of which the following were the principal provisions: That, whereas the Company, since the 24th of June, 1778, when they had paid their loan to the public, and reduced their bond debt to the pre-appointed limits, had been in possession of all the profits arising from the Indian territory, exempt from participation with the public, they pay 400,000*l.* to the public, in discharge of all claims upon that account previous to the 1st of March, 1781: That all the former privileges granted to the Company be continued to them, till three years notice after the 1st of March, 1791: That the Company pay out of their clear profits, a dividend of eight per cent. per annum on the capital stock, and of the surplus three-fourths to the public, reserving the remainder to their own use: And that the claims with respect to the territory, on the part both of the Crown and the Company, remain unaffected by the present act. Of the propositions, thrown out by the minister, for the introduction of

matter he designed to introduce was this: At present the Company were obliged to send copies of all their dispatches from India, but not of any of the orders and instructions which they sent out: He meant, therefore, to insert in the bill a clause, obliging them to show to the Lords of the Treasury, or the Secretaries of State, all their instructions to their servants that related to their political and military conduct; and to add farther, that if his Majesty thought proper to signify, through his Secretaries of State, to the Directors, any order relative to the particular conduct of the Company's servants, in regard to the prosecution and management of war in India, or to the political direction of affairs, or to any treaties with the powers in India, that the Directors should be obliged to obey such order, and to send it out to India immediately...... He thought it would be a desirable thing to establish a Court of Judicature in this kingdom, to hear and determine, in a summary way, all charges of peculation and oppression in India." Ib. p. 326.

reforms into the government of India, only one was carried into effect; namely, that regarding the powers of ministers over the political transactions of the Company. It was ordained that they should communicate to ministers all dispatches which they sent to India, with respect to their revenues, and their civil and military affairs; and that in all matters relative to war and peace, and transactions with other powers, they should be governed by the directions which ministers might prescribe.[1]

On the 12th of February, 1781, petitions from the Governor-General and Council, and from a number of British subjects residing in Bengal, and from the United Company of merchants trading to the East Indies, against the pretensions and proceedings of the Supreme Court of Judicature, were read in the House of Commons; and after a debate it was agreed, that a Select Committee should be chosen to whom they were referred. This was that celebrated committee who were afterwards instructed to take into consideration the administration of justice, in the provinces of Bengal, Bahar, and Orissa; and in what manner that country might be governed with greatest advantage to the people both of Great Britain and of India: in which Committee the most conspicuous, as well as the most laborious member, was Edmund Burke.

The Select Committee was moved for by General Smith, who belonged to what is called the opposition party in the House; and it was chiefly composed of members who had acted not in concert with the minister. That a want of equal zeal for the elucidation of Indian delinquency might not be imputed to his

[1] 21 Geo. III. cap. 65.

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party, the minister, on the 30th of April, immediately after the arrival of news of the irruption of Hyder Ali into Carnatic, moved for the formation of a Secret Committee, who should enquire into the causes of the war, then subsisting in the Carnatic, and into the state of the British possessions on the coast. This Committee was composed almost entirely of persons connected with the Minister; and Mr. Henry Dundas, then Lord Advocate of Scotland, was its presiding and most active member.

The first of these Committees presented the House with twelve Reports, the other with six; and the public is deeply indebted to them for the publication of the most important documents of the Indian government, during the period to which their inquiries applied. Any considerable desire for the welfare of India, guided by any considerable degree of intelligence, would have drawn a great lesson from that example. An adequate plan for a regular, and successive, and still more perfect publication of the most material documents of the Indian administration, would be one of the most efficient of all expedients for improving the government of that distant dependency.

On the 23d of May, a report from the Select Committee on the petitions against the Supreme Court was read; and leave given to bring in a bill, for the better administration of justice in Bengal, for the relief of certain persons imprisoned at Calcutta under a judgment of the Court, and for indemnifying the Governor-General and Council for resisting its process. The subject was debated on the 19th of June, Mr. Dunning being the most remarkable of the opponents of the bill. It was passed without delay; and it exempted from the jurisdiction of the Supreme Court

the Governor-General and Council, all matters of revenue, and all Zemindars, and other native farmers and collectors of the revenue.

Lord North resigned the office of minister in the month of March, 1782; and was succeeded by the Marquis of Rockingham and party, the hostility of whom to the present managers in India was sufficiently known.

On the 9th of April, 1782, Mr. Dundas moved that the reports which he had presented as Chairman of the Secret Committee should be referred to a Committee of the whole House; and, in a speech of nearly three hours in length, unfolded the causes and extent of the national calamities in the East. He expatiated on the misconduct of the Indian Presidencies, and of the Court of Directors; of the former, because they plunged the nation into wars for the sake of conquest, contemned and violated the engagement of treaties, and plundered and oppressed the people of India; of the latter, because they blamed miscondnct only when it was unattended with profit, but exercised a very constant forbearance towards the greatest delinquency, as often as it was productive of a temporary gain. The speech was followed up by a number of propositions, which he moved in the shape of resolutions. Beside the reproaches which these resolutions cast upon the general strain of the Company's administration in India, they pronounced a condemnation, so strong, upon the measures of the Presidency of Madras, that nothing less than criminal proceedings against the authors of them could accord with so vehement a declaration of their guilt. The resolutions were solemnly voted; articles of charge against Sir Thomas Rumbold and other Members of the Madras Council were adopted; and a bill of pains and penalties, for

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breaches of public trust, and high crimes and misdemeanors, committed by Sir Thomas Rumbold, was introduced by Mr. Dundas. The bill was read a first time. Before the second reading, Sir Thomas Rumbold was heard in his defence. The session drew to a close, before a great progress was made. In the beginning of 1783, the state of the ministry was unsettled. And, as if, when ministry is unsettled, parliament were inadequate to its functions, the bill was neglected till the middle of the session. After the middle of the session, the members soon began to be remiss in their attendance.[1] And on the 19th of December, immediately after the dismissal of Mr. Fox's coalition ministry, a motion was made and carried for adjourning the further consideration of the bill till the 24th day of June next, by which the prosecution was finally dropped. Sir Thomas consented to accept of impunity without acquittal; his judges refused to proceed in his trial, after they had solemnly affirmed the existence of guilt; and a black stain was attached to the character of both.

[1] On the 2d of May, 1783, "The Lord Advocate complained of the very thin attendance that he had hitherto found, whenever the bill of pains and penalties against Sir Thomas Rumbold became the subject of discussion. He wished to know whether it was seriously intended to pursue the business to the end or not? If it was the intention of the House to drop it, he wished to be made acquainted with that circumstance, and then he would not move for another hearing on the subject; for it was a mockery to go into the evidence on the bill, when there could not be kept together a sufficient number of members to make a house.—Mr. *Fox* declared, that, to drop the bill would be productive of the most fatal consequences; for it would convince the world, that the most atrocious misconduct in India would meet with impunity in parliament. And, therefore, he requested gentlemen would for the credit, honour, and interest of the country, attend to the evidence for and against the bill. If the bill should be lost for want of attendance, it would not clear the character of Sir T. Rumbold. On the other hand, it would hold out this idea to the people of India, that it was in vain for them to expect redress of their grievances in England.—Mr. *W. Pitt* thought, that some mode might be devised to enforce attendance, as in the case of ballots for election committees." Parliamentary History, xxiii. 805.

Beside his prosecution of Sir Thomas Rumbold, Mr. Dundas proceeded to urge the legislature to specific propositions against Mr. Hastings, and Mr. Hornby, the presiding members of the other Presidencies. Against Mr. Hastings, in particular, he preferred a grievous accusation, grounded on the recent intelligence of the ruin brought upon the Rajah Cheyte Sing. On the 30th of May, 1782, he moved, and the House adopted, the following resolution: "That Warren Hastings, Esq. Governor-General of Bengal, and William Hornby, Esq. President of the Council of Bombay, having in sundry instances acted in a manner repugnant to the honour and policy of this nation, and thereby brought great calamities on India, and enormous expences on the East India Company, it is the duty of the Directors of the said Company to pursue all legal and effectual means for the removal of the said Governor-General and President from their respective offices, and to recall them to Great Britain." The Marquis of Rockingham was still minister; and his party appeared to have firmly determined upon the recall of Mr. Hastings. The vote of the House of Commons was therefore followed by a similar proceeding on the part of the Directors. But the death of the Marquis, which happened at this critical period, gave courage and strength to the friends of that Governor, and in a Court of Proprietors of East India Stock on the 31st of October, 1782, the order of recall which had been made by the Court of Directors was rescinded by a large majority.

On the 24th of April, 1782, the Chairman of the Select Committee presented a series of resolutions, which referred to little more than two points. Mr. Sullivan, who was Chairman of the East India Company, had mis-stated a conference held between him

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and certain Members of the House of Commons; and the consequence had been, that the relief intended to certain persons confined in the common goal at Calcutta, had been considerably delayed: Mr. Sullivan had also postponed the transmission of the act of parliament for the remedy of the evils arising from the proceedings of the Supreme Court of Judicature: Mr. Sullivan had, moreover, bound a clerk at the India House, peculiarly qualified to give information, by an oath of secrecy, from communicating evidence to the Select Committee. A series of resolutions were, therefore, moved and carried for the censure of Mr. Sullivan. This is the first of the points to which the resolutions moved on the part of the Select Committee referred. On the second, viz. the conjunct transaction of Mr. Hastings and Sir Elijah Impey, in making the Chief Justice of the Supreme Court head of the Sudder Duannee Adaulut, it was resolved, That the dependance of the Chief Justice, created by holding emoluments at the pleasure of the executive government, was inconsistent with the faithful administration of justice: That the Governor-General and Chief Justice were highly culpable in that transaction: And that the appointment should be immediately vacated and annulled. To these resolutions were added other two: The first, "That the powers given to the Governor-General and Council by the East India Act of 1773, ought to be more distinctly ascertained:" The second, "That it will be proper to reduce into one act the several acts of parliament made to regulate the East India Company, and further to explain and amend the same, and also to make new regulations and provisions to the same end." The whole of these resolutions were carried; and upon those which related to the dependence, in other words the corrup-

tion, of the Chief Justice, was founded a resolution, voted on the 3d of May, for an address to the King, that he would recall Sir Elijah Impey, to answer for his conduct in that transaction.

The vote of the Court of Proprietors, in opposition to the recall of Mr. Hastings, was severely reprobated by Mr. Dundas, at the beginning of the next session of parliament, when he moved, that all the proceedings in relation to it should be laid before the House; and pronounced it an act both dangerous in principle, and insulting to the authority of parliament.

On the 5th of March, 1783, a petition from the United Company of Merchants trading to the East Indies was presented to the House of Commons, and referred to a Committee. It set forth, that having paid 300,000*l.* of the sum exacted of them for the benefit of the public, by the late act, they were unable to pay the 100,000*l.* which remained; that the advances which had already been received by the public "were made under mistaken ideas of the petitioners' pecuniary abilities;" that the aid necessary to carry on their affairs only to the 1st of March, 1784, would upon the most moderate calculation be 900,000*l.*, even if excused the payment of the sum of 100,000*l.*, due upon the late agreement; and they prayed, that if re-imbursement be not made to them, they be allowed to increase their bond debt, without diminishing their dividend, which would affect their credit; that they be not required to share any thing with the public, till the increase thus made of their bond debts be again wholly reduced; that the term of their exclusive privileges, a short term being injurious to their credit, should be enlarged; and that the petitioners be relieved from that share of the expense attending the service of the King's troops and navy which according to the late act they were

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bound to afford. Two acts were passed for their relief; the first allowing more time for the payment of the taxes for which they were in arrear, and enabling them to borrow money on their bond, to the amount of 500,000*l.*; the second act, (the relief granted by the first being found insufficient), accommodated them with a loan from the public to the amount of 300,000*l.*; both acts permitting them to continue a dividend of eight per cent.; though, after paying necessary expenses, their receipt fell short of that dividend by a sum of 255,813*l.*[1] They borrowed money, therefore, to be divided among themselves, to that amount; a singular way for a trader to keep out of debt.

Upon the death of the Marquis of Rockingham, the Earl of Shelburne, afterwards Marquis of Lansdowne, became minister, and continued in office from the 13th of July, 1782, till the 5th of April, 1783. At that time, the coalition of Lord North and Mr. Fox gave existence to the ministry which that circumstance has served to designate, and to characterize.

The former exertions of Mr. Dundas, in the investigation and adjustment of the nation's Indian affairs, were followed up by a bill, which he introduced to the House on the 14th of April, 1783. Its principal provisions were these; That the King should have the power of recall over the principal servants of the Company: That the Governor-General and Council of Bengal should have a controling power over the other presidencies; and that the Governor-General should have a power of acting, on his own responsibility, in opposition to the opinion of his Council: That the Governors at the other presidencies should

[1] See the acts of 23 Geo. III. cap. 36 and 89; and Cobbett's Parl. Hist. xxiii. 571.

not have a power of originating any measure, contrary to their Councils, but a power of suspending their action by a negative till the opinion of the Controling Presidency should be known: That the displaced Zemindars should be replaced: That the Rajah of Tanjore should be secured in all his present possessions. In his speech he repeated his former arguments for the recall of Mr. Hastings; and then launched out into the numerous and extraordinary circumstances, which pointed out Lord Cornwallis as the fittest person in the world for the government of India. "Here there was no broken fortune to be mended! Here was no avarice to be gratified! Here was no beggarly, mushroom kindred to be provided for! No crew of hungry followers, gaping to be gorged!"[1] Leave was given to bring in the bill. But Mr. Dundas, who was now in opposition, and of course received no encouragement from the ministry, did not persevere.

On the 11th of November in the year 1783, a new parliament met. In the speech from the throne they were informed, that definitive treaties of peace had been signed, or preliminaries ratified, with the courts of France and Spain, with the United States of America, and the States General of the United Provinces. They were also informed, that among the important objects, the urgency of which had required their presence after so short a recess, the affairs and government of India solicited the utmost exertions of their abilities, and that the fruit was now expected of those important inquiries, which had been so long and diligently pursued.

By the treaty of peace with France, Pondicherry

[1] See the acts of 23 Geo. III. cap. 36 and 39; and Cobbett's Parl. Hist. xxiii. 759.

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and Carical, to both of which some territory was annexed, the whole of the possessions which France enjoyed in Bengal and Orissa at the commencement of the war, together with Mahé, and the power of restoring their factory at Surat, were conceded to the French. In the treaty with the Dutch, Trincomalee was restored; but Negapatam was retained.

The opponents of the ministry, in both houses of parliament, proclaimed aloud the necessity, occasioned by the state of affairs in India, for instant and effectual reform. They enumerated the abuses which appeared to prevail; and they called upon, they stimulated, and importuned the minister to bring forward a scheme of improvement, and without delay to gratify the impatient expectation of the people. In these vehement calls, the voice of Mr. William Pitt was distinguished for its loudness and importunity. At that time, it suited him, to desire not only reform, but complete reform; reform, co-extensive with the evil, possible to be removed; and the good, capable of being attained. He challenged and summoned the minister to bring forward a plan, "not of temporary palliation or timorous expedients; but vigorous and effectual; suited to the magnitude, the importance, and the alarming exigency of the case." Mr. Fox afforded his adversaries but little time to complain of delay.

His plan was divided into two parts, and introduced in two separate bills; one having a reference to the governing power at home; the other to the administration in India.

I. For constituting an organ of government at home, the two existing Courts, of Directors, and Proprietors of the East India Company, were to be abolished, as totally inadequate to the ends of their institution; and, in their room, seven commissioners

were to be named in the act, that is, chosen by the legislature. These commissioners, acting as trustees for the Company, were to be invested with full powers for ordering and administering the territories, revenues and commerce of India; and to have the sole power of placing and displacing all persons in the service of the Company, whether in England or abroad.

The following were the most material of the subordinate regulations.

For managing the details of the commerce, but subject to the authority and commands of the Superior Board, nine assistant Directors were to be named by the legislature, being Proprietors, each, of not less than 2,000*l.* of East India capital stock.

In the superior body, vacancies were to be supplied by the King: in the inferior they were to be supplied by the Proprietors, voting by open poll. Removals in the superior body were to be performed by the King, upon the address of either house of parliament; in the inferior, by the same authority, and also by concurrence of any five of the Chief Directors, recording their reasons.

For the more speedy and effectual repression of offences committed in India, the Directors were, within twenty-one days after the receipt of any accusation or charge, to enter upon the examination of it, and either punish the offender, or record their reasons for not punishing.

Before any person who had served in India, and against whom any charge appeared, should be allowed to return, the Directors were to make a particular inquiry into the circumstances of the charge, and to record their reasons for permitting the return.

Upon knowledge of any dispute subsisting between the heads of the different settlements, or between the

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heads and their councils, the Directors were to institute immediate inquiry, and come to a decision in three months, or to record their reasons why they did not.

If the constituted authorities at any of the settlements should require the direction or opinion of the Directors, they were to give it in three months, or to record their reasons for not giving it.

If any injury to any native prince should be complained of, or appear, the Directors were to inquire, and to make compensation wherever it was due.

For publicity, one expedient was thought to suffice; that the Directors should once in six months lay before the Proprietors the state of the commerce; and before the commencement of each parliamentary session, should present to the ministers, certain political and commercial statements, which the ministers should exhibit to parliament.

It was provided, that no Director or Assistant Director, should, while in office, hold any place of profit under the Company, or any place during pleasure under the King; but neither was to be disqualified for retaining a seat in parliament. And the act was to continue in force during four years.

II. Under the second part of the plan, that which had for its object the reform of the immediate administration in India, no improvement whatsoever, in the order and distribution of the powers of government, was attempted, and hardly any thing higher was proposed, than to point out what were deemed the principal errors or delinquencies into which the Indian government had strayed, and to forbid them in future.

Strict obedience was enjoined to the commands of the Directors, because Mr. Hastings, whenever a strong motive occurred, disobeyed them.

The councils were forbidden to delegate their powers; because, in two memorable instances, those of his journeys to the Upper Provinces, the Supreme Council had delegated theirs to Mr. Hastings.

The regular communication to the councils of all correspondence was rendered imperative upon the Governor-General and other Presidents, because Mr. Hastings, when he had certain objects to serve, had withheld parts of the correspondence.

Because the other servants of the Company had usually united with the governors, in those proceedings of theirs which were most highly condemned, the servants were to be rendered less dependant upon the governors, by lodging a greater share of the patronage in the hands of the commissioners.

No banyan, or native steward, of any of the principal servants was to be allowed to rent the revenues; because the banyan of Mr. Hastings had rented them to a great amount. Such renting to the banyan was declared to be the same thing as renting to the master.

No presents were to be taken even for the use of the Company; because Mr. Hastings had taken presents, and skreened himself by giving them up at last to the Company.

The abolition was to be ordained of all monopolies; because the Company's servants in Bengal had been the cause of evil, by monopolizing salt, beetel-nut, and tobacco.

Passing then from the imputed errors in Bengal to those at Madras, the bill proposed to enact:

That no protected or dependant prince should reside in the Company's territory, or rent their lands; because the Nabob of Arcot had disturbed the Presidency with intrigues by residing at Madras, and had rented, as was alleged, corruptly, the Madras jaghire:

That no civil or military servant of the Company should lend money to such prince, rent his lands, or have with him any pecuniary transaction; because the lending of money to the Nabob of Arcot, renting his lands, and other money transactions between him and the Company's servants, had given rise to many inconveniences.

As the inaccurate definition of the limits prescribed to the control of the Governor-General and Council over the other Presidencies had been fertile in disputes, an attempt, but not very skilful, was made to remove that deficiency, by enacting that it should extend to all transactions which had a tendency to provoke other states to war.

The old prohibition of the extension of territory was enforced; by forbidding hostile entrance upon any foreign territory, except after intelligence of such hostile preparations, as were considered serious by a majority of the Council; forbidding alliance with any power for dividing between them any acquirable territory; and loans of troops to the native princes; excepting, in all these cases, by allowance of the Directors.

The project of declaring the Zemindars, and other managers of the land revenue, hereditary proprietors of the land, and the tax fixed and invariable; originally started by Mr. Francis, and in part proposed for enactment in the late bill of Mr. Dundas; was adopted.

Instead of the regulation, introduced into the bill of Mr. Dundas, that the Governor-General should have a power of acting upon his own responsibility, independently of the will of his Council, power was only to be given to him, and to the Presidents at the other settlements, of adjourning or postponing, for a limited time, the consideration of any question in their respective councils.

A mode was prescribed for adjusting the disputes of the Nabob of Arcot with his creditors, and with the Rajah of Tanjore.

All offences against the act were rendered amenable to the courts of law in England and India. And all persons in the service of the Company, in India, or in that of any Indian prince, were declared unfit, during the time of that service, and some succeeding time, to hold the situation of a member of the lower house of parliament.

No proceeding of the English government, in modern times, has excited a greater ferment in the nation, than these two bills of Mr. Fox. An alarm diffused itself, for which the ground was extremely scanty, and for which, notwithstanding the industry and the art with which the advantage was improved by the opposite party, it is difficult, considering the usual apathy of the public on much more important occasions, entirely to account. The character of Mr. Fox, who was at that time extremely unpopular, and from the irregularity of his private habits, as well as the appparent sacrifice of all principle in his coalition with Lord North, was, by a great part of the nation, regarded as a profligate gamester, both in public and in private life, contributed largely to the existence of the storm, and to the apprehensions of danger from the additional power which he appeared to be taking into his hands.[1] In the House of Commons, indeed,

[1] To prevent misconception, it is necessary to preclude the inference that I concur in the opinion, which I give in the text, as one among the causes of a particular effect. In the private character of Mr. Fox, there was enough, surely, of the finest qualities, to cast his infirmities into the shade. And though, absolutely speaking, I have no great admiration to bestow upon him, either as a speculative, or practical, statesman; yet when I compare him with the other men, who had figured in public life in his country, I can find none whom I think his superior, none, perhaps, his equal.

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the party of the minister eminently prevailed; and though every objection which the imaginations of the orators could frame was urged against the measure with the utmost possible pertinacity, vehemence, and zeal, the bill passed by a majority of more than two to one.

In the mean time opportunity had been found for alarming the mind of the King. The notion circulated was, that, by vesting the whole patronage of India in the hands of Mr. Fox, by vesting it in a board of commissioners, under his appointment, it would be impossible for the King ever to employ, as minister, any other man; and the power of Mr. Fox would be rendered absolute over both the King and the people. Instead of having recourse to the expedients, which the law had placed in his hands, of dismissing his ministers, or even dissolving the parliament; a clandestine course was adopted, which violated the forms of the constitution. Though it had often been declared that the constitution depended on the total exemption of the deliberations in parliament from the impulse of the royal will, the King employed Lord Temple to inform as many as he thought fit of the peers of parliament, that those who should vote for the Indian bill, he would take for his enemies. On the day of the second reading of the bill, the minister was left in a minority of seventy-nine to eighty-seven.

The outcry which was raised against this measure, holds a considerable rank among the remarkable incidents in the history of England. It was a declaration, a vehement declaration, on the part of the King, and of the greatest portion of all the leading orders in the state, as well as of the body of the people, that the Commons House of Parliament, as now constituted, is altogether inadequate to the ends which it is meant

to fulfil. Unless that acknowledgment was fully made, the outcry was groundless and impostrous.

The essence of the change which Mr. Fox proposed to introduce consisted in this, and in nothing but this: That the Board of Directors should be chosen, not by the owners of Company's stock, but by the House of Commons.

Surely, if the House of Commons were a fit instrument of Government, a better choice might be expected from the House of Commons, than from the crowd of East India Proprietors. The foundation on which the justice of the clamour had to rest, if any justice it contained, was this: that the House of Commons would act under a fatal subservience to the profligate views of the minister. But to suppose that the House of Commons would do this in one instance only, not in others, the motive being the same; that they would make a sacrifice of their duty to their country, in one of the most ruinous to it of almost all instances, while in other instances they were sure to perform it well, would be to adopt the language of children, or of that unhappy part of our species whose reason is not fit to be their guide. If the House of Commons is so circumstanced, as to act under motives sufficient to insure a corrupt compliance with ministerial views, then, undoubtedly, the House of Commons is a bad organ for the election of Indian rulers. If it is not under such motives to betray the interests of the country to the views of ministers, then it is undoubtedly the best instrument of choice which the country can afford: Nor is there any thing which can render it, compared with any other electing body, which could be formed in the country, unfit for this function, which does not, by necessity, imply an equal unfitness for all its peculiar functions: If it is unworthy to be trusted with the election of East India

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An heart-felt conviction, that the House of Commons, as now constituted, is totally unworthy of trust, announced in the strongest of all possible terms, by the King, by the principal part of the aristocracy, of the whole, in short, of that part of the nation whose interests and ideas are in the strongest manner linked to monarchical and aristocratical privileges and distinctions, is of infinite importance; because it may be so employed as to make them ashamed of that opposition to reform, which, by so many selfish and mean considerations, they are in general engaged to maintain.

There is but one allegation, which appears capable of being employed to elude the force of this deduction: That the House of Commons would not act under a profligate subservience to the views of a minister, if subject only to the influence which was then at the command of the minister; but would be sure to do so, if subject to all that influence which would be created by adding the patronage of India.

This allegation, then, rests upon the assumption, that the profligate subservience of the House of Commons depends wholly upon the degree, more or less, of the matter of influence to which it is exposed: If the quantity to which it is exposed is sufficiently small, it will have no profligate subserviency: If the quantity to which it is exposed is sufficiently great, its profligate subserviency will be unbounded. Admit this: and is any thing necessary, besides, to prove the defective constitution of that assembly? In taking securities against men, in their individual capacity, do we rest satisfied, if only small temptations to mis-

conduct exist? Does not experience prove, that even small temptations are sufficient, where there is nothing to oppose them?

In the allegation is implied, that the House of Commons would, as not yet feeling the influence of Indian patronage, have, in choosing men for the Board of Direction, at that first time, chosen the best men possible; but these men, being the best men possible, would have employed the Indian patronage placed in their hands, to corrupt the House of Commons into a profligate subservience to the views of the minister. For what cause?

The analysis of the plea might, it is evident, be carried to a great extent, but it is by no means necessary; and for the best of reasons; because the parties who joined in predicting the future profligacy of the House, universally gave it up. The House of Commons, they said, is now, is at this instant, that corrupt instrument, which the patronage of India applied to it in the way of influence would make it. The House of Commons, they maintained, was then at the beck of the minister; was, even then, in a state of complete subservience, even for the worst of all purposes, to the minister's views. Mr. Pitt said, "Was it not the principle, and declared avowal of this bill, that the whole system of India government should be placed in seven persons, and those under the immediate appointment of no other than the minister himself? He appealed to the sense and candour of the House, whether, in saying this, he was the least out of order? Could it be otherwise understood, or interpreted? That these seven men were not to be appointed solely by the minister?"[1] On another occa-

[1] Debate on Mr. Fox's motion for leave to bring in his East India bills; Cobbett's Parl. Hist. xxiii. 1210.

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sion, he said, that he objected to Mr. Fox's bill, "because it created a new and enormous influence, by vesting in *certain nominees of the minister* all the patronage of the East."[1] Mr. W. Grenville (afterwards Lord Grenville) said, "The bill was full of blanks, and these blanks were to be filled by that House: It was talking a parliamentary language to say, the minister was to fill the blanks; and that the seven commissioners were the seven nominees of the minister; Seven commissioners chosen, by parliament ostensibly, but in reality by the servants of the Crown, were to involve in the vortex of their authority, the whole treasures of India: These, poured forth like an irresistible flood upon this country, would sweep away our liberties, and all that we could call our own."[2] But if parliament would choose these seven commissioners at the beck of the minister; what is there they would not do at the beck of the minister! The conclusion is direct, obvious, and irresistible. Upon the solemn averments of these statesmen, the question is for ever set at rest.

At the same time it must be admitted, that the bills of Mr. Fox, many and celebrated as the men were who united their wisdoms to compose them, manifest a feeble effort in legislation. They afford a memorable lesson; because they demonstrate, that the authors of them, however celebrated for their skill in speaking, were not remarkable for the powers of thought. For the right exercise of the powers of government in India, not one new security was provided; and it would not be very easy to prove, that any strength was added to the old.

I. There was nothing in Mr. Fox's number *Seven*,

[1] Debate on the state of the nation; Cobbett's Parl. Hist. xxiv. 271.

[2] Debate on Mr. Fox's motion, ut supra, Cobbett's Parl. Hist. xxiii. 1229.

more than in the Company's number *Twenty-Four*, to ensure good government: and by his change of one electing assembly for another, the nation decided, and under the present constitution of the House of Commons decided well, that bad would only be improved into worse.

If such was the nature of the fundamental expedient, it cannot be imagined that the subsidiary ones would impart a high degree of merit to the whole. If not absolutely nugatory, they were all feeble in the highest degree. What useful power of publicity, for example, was involved in transferring annually to the hands of the ministers, a certain portion of Indian papers? A proper policy being established between the minister and his seven directors, they could present to parliament every thing which favoured their own purposes, keep back every thing which opposed them; and thence more effectually impose upon the nation. It seems, from many parts of the bill, to have been the opinion of its authors, that if they only gave their commands to the rulers of India to behave well, they would be sure to do so. As if there was no channel of corruption but one, it was held sufficient, if the directors, while in office, were prohibited from holding places of profit under themselves, and places of profit during pleasure under the King.

The seven directors, in the case of some of their most important decisions, were bound to record their reasons; a most admirable security where the *public* are to see those reasons: Where they are to be seen only by the parties themselves, and by those who have like sinister interests with themselves, as in this case by the minister, they are obviously no security at all.

Good conduct in any situation depends upon the

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motives to good conduct, which operate in that situation; and upon the chance for intelligence and probity, in the individuals by whom it is held. That, in regard to motives, as well as intelligence, and probity, the public had less security for good conduct, in the case of the ministerial commissioners, than in the case of Directors chosen by the Company, will be fully made to appear, when we come to examine the nature of the ministerial board erected by Mr. Pitt; a board, which, in all those particulars, is very nearly on a level with that of Mr. Fox.

II. With regard to that part of the scheme which was intended to improve the state of administration in India, no change in the order and distribution of the powers of government was attempted. The play of the machinery, therefore, that is, the whole of its old tendency to evil, described by Mr. Fox as enormous, was to remain the same. All, it is evident, that, upon this foundation, could be aimed at, was, to palliate; and in the choice of his palliatives, Mr. Fox was not very successful.

Merely to forbid evil, in a few of the shapes in which it had previously shown itself, was a slender provision for improvement, when the causes of evil remained the same as before; both because there were innumerable other shapes which it might assume, and because forbidding, where there is no chance, or little chance, of harm from disobedience, is futile, as a barrier against strong temptations.

To lessen the power of the Chief Ruler in selecting the immediate instruments of his government, was so far to ensure a weak and distracted administration. The sure effect of it was, to lessen the power of a virtuous ruler in obtaining assistance to good: And as the co-operation of the inferior servants, in the imputed plunder, embezzlement, and oppression, was

secured not, by the power of the Governor-General to promote them; but by the common interest which they had in the profits of misrule; his not having the power to promote them was no security against a co-operation secured by other means.

In respect to sanctions, on which the efficiency of every enactment depends, Mr. Fox's bill provided two things; chance of removal; and prosecution at law; nothing else. In respect to chance of removal; as the effect of the bill was to render the minister absolute with regard to India, those delinquencies alone, which thwarted the views of the minister, created any danger; those which fell in with his views were secure of protection. From prosecution at law, under tribunals and laws such as the English, a man who wields, or has wielded the powers of government, has, it is obvious from long experience, very little to fear.

It really is, therefore, hardly possible for any thing in the shape of a law for regulating the whole government of a great country, to be more nugatory than the bill of Mr. Fox.

On the great expedient for ensuring the rights of the native subjects, borrowed from Mr. Francis, the scheme of declaring the rent of the land unchangeable, and the renters hereditary; we have already made some and shall hereafter have occasion to make other remarks; to show, that it is founded upon false ideas, and productive of evil rather than good.

The prohibition of monopolies, and presents, and some other minor regulations, were beneficial, as far as they went.

If this project of a constitution for India proves not the existence of a vast portion of intellect, among those by whom it was framed, the objections of those who had only to criticize, not to invent, appear to

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prove the existence of a still smaller portion among its opponents. Not one of their objections was drawn from the real want of merits in the plan; from its total inefficiency, as a means, to secure the ends, at which it pretended to aim. They were all drawn from collateral circumstances; and, what is more, almost all were unfounded.

The danger to the constitution, in giving the appointment of Directors to the House of Commons, was the subject of the principal cry. But it has been shown, that this could have no injurious effect, unless the House of Commons were already perverted from its supposed ends, and the goodness of the constitution destroyed.

Much rhetoric was employed to enforce the obligation created by the "chartered rights of men." But it was justly observed, That the term "chartered rights of men," was a phrase full of affectation and ambiguity: That there were two species of charters; one, where some of the general rights of mankind were cleared or confirmed by the solemnity of a public deed; the other, where these general rights were limited for the benefit of particular persons: That charters of the last description were strictly and essentially trusts, and ought to expire whenever they substantially vary from the good of the community, for the benefit of which they are supposed to exist.

The loss of the India bill, in the House of Lords, was the signal for the dissolution of the ministry. At the head of the new arrangement was placed Mr. Pitt. On the 14th of January, 1784, he moved for leave to bring in a bill on the affairs of India. A majority of the House of Commons still supported his opponent, and his bill was rejected. Mr. Fox gave notice to the House of his intention to bring in a second bill. On the 10th of March, however, par-

liament was dissolved; and in the new House of Commons the minister obtained a decided majority. The re-introduction of his India bill could now wait his convenience.

The new ministry had been aided in the triumph obtained over their opponents, by all the powers of the East India House, who had petitioned against the bills of Mr. Fox, had employed every art to excite the public disapprobation, and had exerted themselves at the general election to swell the ministerial majority. The minister owed a grateful return. The Company's sale of teas was a principal source of their income. It had of late been greatly reduced by the powers of smuggling. As high price afforded the encouragement of smuggling, a sufficient reduction would destroy it. Any part of the monopoly profit would not have been a pleasant sacrifice to the Company. The public duties, they thought, were the proper source of reduction; and it pleased the minister to agree with them. On the 21st of June, he moved a series of resolutions, as the foundation for an act, which soon after passed, and is known by the name of the Commutation Act. The duties on tea, about 50 per cent., were reduced to 12½ per cent. It was estimated that a diminution would thence arise of 600,000*l.* in the public revenue. Under the style and title of a commutation, an additional window-tax, calculated at an equal produce, was imposed.

To relieve their pecuniary distress, the Company, as we have seen, had applied to parliament for leave to borrow 500,000*l.*, and for a further aid, afterwards, of 300,000*l.* in exchequer bills. They had also prayed for a remission of the duties which they owed to the public, to the amount of nearly a million. They were bound not to accept, without con-

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sent of the Lords of the Treasury, bills drawn on them from India, beyond the annual amount of 300,000*l.* Bills however had arrived from Bengal to the amount of nearly one million and a half beyond that amount. For these distresses some provision had been made before the dissolution of the preceding parliament. The minister now introduced a bill, to afford a further relief in regard to the payment of duties, and to enable them to accept bills beyond the limits which former acts of the legislature had prescribed.

In other pecuniary adventures, the receipts upon the capital embarked are in proportion to the gains. If profit has been made; profit is divided. If no profit, no division. Instead of profit, the East India Company had incurred expense, to the amount of an enormous debt. It was proposed that they should still have a dividend, though they were to borrow the money which they were to divide, or to obtain it, extracted, in the name of taxes, out of the pockets of their countrymen. A bill was passed which authorized a dividend of eight per cent. In defence of the measure, it was urged, that unless the dividend was upheld, price of India stock would fall. But why should the price of India stock, more than the price of any thing else, be upheld, by taxing the people? It was also urged, that not the fault of the Company, but the pressure arising from the warlike state of the nation, produced their pecuniary distress. If that was a reason, why was not a similar relief awarded to every man that suffered from that cause? The arguments are without foundation; but from that time to this they have supported an annual taxation of the English people, for the convenience of the parties on whom the government of India depends.

At last, Mr. Pitt's bill, for the better government

of the affairs of the East India Company, was again introduced; and, being now supported by a competent majority, was passed into an act, on the 13th of August, 1784. With some modification, it was the same with the bill which the former House of Commons had rejected.

The Courts of Directors and Proprietors remained, in form, the same as before. The grand innovation consisted, in the erection of what was called a Board of Control. This, together with, 1. The creation of a Secret Committee of Directors; 2. A great diminution in the powers of the Court of Proprietors; 3. A provision for a disclosure of the amount of the fortunes brought home by individuals who had been placed in offices of trust in India; 4. The institution of a new tribunal for the trial and punishment of the offences liable to be committed in India; constituted the distinctive features of this legislative exertion; and are the chief particulars, the nature of which it is incumbent upon the historian to disclose. The other provisions were either of subordinate efficacy, or corresponded with provisions in the bills of other reformers, which have already been reviewed.

I. The Board of Control was composed of six Members of the Privy Council, chosen by the King, of whom the Chancellor of the Exchequer, and one of the principal secretaries of state were to be two; in the absence of whom, the senior of the remaining four was to preside. In point of fact, the whole business has rested with that senior; the other commissioners being seldom called to deliberate, or even for form's sake to assemble. The senior is known by the name of the President of the Board of Control, and is essentially a new Secretary of State; a secretary for the Indian department. Of this pretended Board and real Secretary, the sphere of action extended to

1784. the whole of the civil and military government, exercised by the Company; but not to their commercial transactions. Its duties, very ill defined, or rather not defined at all, were adumbrated, in the following vague and uncertain terms: "From time to time, to check, superintend, and control, all acts, operations, and concerns, which in any wise relate to the civil or military government, or revenues, of the territories and possessions of the said United Company in the East Indies." All correspondence, relative to the government, was to be communicated to the Board; including all letters from India, as soon as received, and all letters, orders, or instructions intended for India, before they were sent. The Board was also to be furnished with copies of all proceedings of the Courts of Directors and Proprietors; and to have access to the Company's papers and records. By one clause it was rendered imperative on the Court of Directors to yield obedience to every command of the Board, and to send out all orders and instructions to India altered and amended at the pleasure of the Board. On the second introduction of the bill, when a sure majority made the minister bold, a power was added by which, in cases of secrecy, and cases of urgency; cases of which the Board itself was to be the judge; the Board of Control might frame and transmit orders to India without the inspection of the Directors. It was only in the case of a doubt whether the orders of the Board of Control related or did not relate to things within the sphere of the civil and military government, that the Directors were allowed an appeal. Such a doubt they were to refer to the King in Council. An appeal from the King's Council, to the King in Council, was an appeal from men to themselves.

Of two bodies, when one has the right of unlimited

command, and the other is constrained to unlimited obedience, the latter has no power whatsoever, but just as much, or as little, as the former is pleased to allow. This is the relative position of the Board of Control, and the East India Company. The powers of the Board of Control convert the Company's Courts into agents of its will. The real, the sole governing power of India is the Board of Control, and it only makes use of the Court of Directors as an instrument, as a subordinate office, for the management of details, and the preparation of business for the cognizance of the superior power.

The real nature of the machine cannot be disputed, though hitherto its movements have been generally smooth, and the power is considerable which appears to remain in the hands of the Directors. The reasons are clear. Whenever there is not a strong motive to interfere with business of detail, there is always a strong motive to let it alone. There never yet has been any great motive to the Board of Control to interfere; and of consequence it has given itself little trouble about the business of detail, which has proceeded with little harm, and as little benefit, from the existence of that Board. So long as the Court of Directors remain perfectly subservient, the superior has nothing further to desire. Of the power which the Directors retain much is inseparable from the management of detail.

The grand question relates to the effects upon the government of India, arising from an authority like the Board of Control, acting through such a subordinate and ministerial instrument as the Court of Directors.

It is evident, that, so far as the Directors are left to themselves, and the Board of Control abstain from the trouble of management, the government of India

is left to the imperfections, whatever they were, of the previous condemned system, as if no Board of Control were in existence. In that part of the business, in which the Board takes a real share, it is still to be inquired, what chance exists, that better conduct will proceed from the Board of Control, than would have proceeded from the Court of Directors?

Good conduct in public men arises from three causes; from knowledge or talent; from the presence of motives to do good; and the absence of motives to do evil.

I. Few men will contend that the lord, or other person, whose power, or powerful kinsman, may recommend him for President of the Board of Control, is more likely to possess knowledge or talent, than the Court of Directors. That which the practical state of the British constitution renders the presiding principle in directing the choice of men for offices wherein much either of money or power is to be enjoyed, affords a much greater chance for ignorance than knowledge. Of all the men who receive education, the men who have the most of parliamentary influence are the least likely to have any unusual portion of talent; and as for appropriate knowledge, or an acquaintance in particular with Indian affairs, it cannot be expected that the Board of Control should ever, except by a temporary and rare contingency, be fit to be compared with the Court of Directors: besides, it would have been easy, by laying open the direction to men of all descriptions, and by other simple expedients, to increase exceedingly the chance for talent in the Court of Directors.

II. If the Board of Control then is more likely than the Court of Directors to govern India well, the advantage must arise from its situation in regard to motives: motives of two sorts; motives to appli-

cation; and motives to probity. Both the Board of Control, and the Court of Directors, are destitute of these motives to a high degree; and it is a matter of some nicety to make it appear on which side the deficiency is most extraordinary.

Motives to application, on the part of the Board of Control, can be discovered none. And application, accordingly, such as deserves the name, a careful pursuit of knowledge, with incessant meditation of the ends and the means, the Board has not even thought of bestowing. If Mr. Dundas be quoted as an objection, it is only necessary to explain the circumstances of the case. The mind of Mr. Dundas was active and meddling, and he was careful to exhibit the appearance of a great share in the government of India; but what was it, as President of the Board of Control, that he ever did? He presented, as any body might have presented, the Company's annual budget, and he engrossed an extraordinary share of their patronage. But I know not any advice which he ever gave, for the government of India, that was not either very obvious, or wrong.

The institution of the Board of Control, as it gave no motives to application in the members of that Board, so it lessened prodigiously the motives to application in the Court of Directors. Before the existence of the Board of Control, the undivided reputation of good measures, the undivided ignominy of bad, redounded to the Court of Directors. The great sanction of public opinion acted upon them with undivided energy. Men are most highly stimulated to undergo the pains of labour, when they are most sure of reaping the fruits of labour; most surely discouraged from labour, when they are least sure of reaping its advantages; but, in taking pains

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to understand the grounds of action, and laboriously to frame measures adapted to them, the Court of Directors, before their subjugation to the Board of Control, were sure of reaping the fruits of their labours in the execution of their schemes. What motive, on the other hand, to the laborious consideration of measures of government, remained, when all the fruits of knowledge and of wisdom might be rejected by the mere caprice of the President of the Board of Control?

Such is the sort of improvement, a retrograde improvement, in respect to knowledge or talent, and in respect to application, which the expedient of a Board of Control introduced into the government of India.

It only remains that we examine it in relation to probity; and inquire, whether the men who compose it are subject to the action of stronger, or weaker motives, to the exercise of official probity, than the Court of Directors.

There are two sorts of motives, on which, in regard to probity, the conduct of every man depends; by the one he is attracted to virtue; by the other repelled from it.

In regard to attracting motives, very little is provided to operate either upon the Board of Control, or the Court of Directors. The sanction of public opinion, the credit of good, and the discredit of bad conduct, is one source; and it does not appear that there is any other. In the first place, it ought to be remembered, as a law of human nature, that the influence of this sanction is weakened, or more truly annihilated, to any important purpose, by division. Whatever might have been its force, upon either the Board of Control, or the Court of Directors, acting

alone, it is infinitely diminished when they act both together, and by sharing, go far to destroy responsibility.

For the salutary influence of public opinion, both the Board of Control, and the Court of Directors, are unfavourably situated; but it will probably, without much dispute, be allowed, that the Court of Directors is the least unfavourably situated. So long as they acted by themselves, the Court of Directors were exposed, without shelter, to the public eye. The President of the Board of Control is the mere creature of the minister, existing by his will, confounded with the other instruments of his administration, sheltered by his power, and but little regarded as the proper object either of independent praise, or of independent blame.

With regard to motives repelling from probity, in other words, the temptations to improbity, to which the Board of Control and the Court of Directors are respectively exposed, the following propositions are susceptible of proof: That almost all the motives of the deleterious sort, to which the Court of Directors stand exposed, are either the same, or correspond, with those to which the Board of Control is exposed: That those to which the Court of Directors are exposed, and the Board of Control is not exposed, are of inconsiderable strength: That those to which the Board of Control is exposed, and the Court of Directors are not exposed, are of great and uncommon strength: And that by the conjunct action of the two bodies, the deleterious motives of the one do not destroy those of the other, but combine with them, and increase the power of the whole.

It is to be observed, that neither the Board of Control, nor the Court of Directors have any *direct* interest in the misgovernment of India. Their am-

bition is not gratified by the unnecessary wars, nor their pockets filled by the oppressions and prodigalities of the Indian rulers. In as far as the Directors are proprietors of India stock, and in as far as good government has a tendency to increase the surplus produce of India, and hence the dividend upon stock, the Court of Directors have an interest in the good government of India. The Board of Control, as such, has necessarily no such interest; in this respect, therefore, it is inferior to the Court of Directors.

If exempt from motives of the *direct* kind, to the misgovernment of India, it remains to inquire what are the motives of the *indirect* kind, to the action of which the Board of Control, and the Court of Directors, are severally and respectively exposed.

In the first place, we recognize the love of ease; an incessant force, and for that reason of the most potent agency in human affairs. Bating the cases in which the result depends not upon the general qualities of the species, but the accidental ones of the individual, this is a motive which it is not easy to find other motives sufficient to oppose; which, in general, therefore, prevails and over-rules. This is a motive, to the counteraction of which, there is scarcely any thing provided, in the case either of the Board of Control, or of the Court of Directors. To a great extent, therefore, it is sure to govern them. Provided things go on in the beaten tract, without any unusual stoppage or disturbance, things will very much be left to themselves.

Little, however, as is the application to business, which can rationally be expected from the Court of Directors, still less can be looked for on the part of the Board of Control, where either hereditary idleness and inefficiency will preside; or the mind of the President will be engrossed by those pursuits and

struggles on which the power of the ministry, or the consequence of the individual, more immediately depends. The consequence is certain; whenever aversion to the pain and constraint of labour governs the superintendant, the interest of the subordinates, in every branch, is naturally pursued at the expense of the service, or of the ends which it is the intention of the service to fulfil.

Beside the love of ease, which every where is one of the chief causes of misgovernment; the motives to the abuse of patronage, and to a connivance at delinquency in India, seem almost the only deleterious motives, to the operation of which either the Board of Control, or the Court of Directors, are exposed.

In regard to patronage, the conduct of the Court of Directors will be found to exhibit a degree of excellence which other governments have rarely attained. In sending out the youths who are destined for the different departments of the service, the Directors have been guided, no doubt, by motives of affection and convenience; but all youths go out to the lowest stations in their respective departments, and can ascend only by degrees. The rule of promotion by seniority has sometimes been too rigidly observed; seldom, comparatively, violated by favouritism. The Directors, who send out their relatives and connexions, have very often retired from the direction, before the youths whom they have patronized are of sufficient age or standing in the service, to occupy the stations in which the power of producing the greater evils is enjoyed.

But, as the constitution of the Court of Directors has prevented any considerable abuse of patronage; so the situation of the British minister, depending as he does upon parliamentary interest, creates, it may, without much fear of contradiction, be affirmed, a

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stronger motive to the abuse of patronage, than, under any other form of government, was ever found to exist. In this respect, good government is far less exposed to violation from an institution, such as that of the Court of Directors, than an institution such as that of the Board of Control.[1]

To connivance at delinquency in India, the Directors may be supposed to be led by three sorts of motives:

1. Inasmuch as they may have been delinquents themselves;

2. Inasmuch as they may send out sons and other relatives, who may profit by delinquency;

3. Inasmuch as delinquents may be proprietors of India stock, and hence exert an influence on the minds of Directors.

1. The motive to connive at any delinquency, in which a man is to have no profit, because he himself has formerly been delinquent in a similar way, must be regarded as a feeble, if any motive at all. Experience proves it. Clive was not less violent against the undue emoluments of the Company's servants, because he had drawn them so copiously himself. If the Court of Directors be inferior in this respect to the Board of Control, it must be allowed to be an inferiority easily compensated by other advantages. Besides, if a man must be supposed to sympathise

[1] "With respect to the abuse of patronage," said Mr. Windham, in his famous speech (May 26, 1809) on Mr. Curwen's Reform Bill, "one of those by which the interests of countries will in reality most suffer, I perfectly agree, that it is likewise one, of which the government, properly so called, that is to say, persons in the highest offices, are as likely to be guilty, and from their opportunities more likely to be guilty than any others. Nothing can exceed the greediness, the selfishness, the insatiable voracity, the profligate disregard of all claims from merit or services, that we often see in persons in high official stations." Parliamentary Debates, xiv. 758; for publication in which the speech was written and prepared by the author.

with delinquency, because he has been a delinquent himself, the disposition is pretty nearly the same which leads to delinquency in India and in England; and hence a danger fully as great, of finding this kind of sympathy at the Board of Control, as in the Court of Directors.

2. The Directors may send out sons and nephews. So may the Secretary of State for the India department, the President of the Board of Control.

3. East India delinquents may operate on the minds of Directors through influence in the Court of Proprietors. East India delinquents may also operate on the minds of ministers through parliamentary influence. And the latter operation, it is believed, will certainly appear to be, out of all comparison, the stronger, and more dangerous operation of the two.

In point of fact, the influence exerted upon the Directors through the Court of Proprietors has never been great. The Court of Directors have habitually governed the Court of Proprietors; not the Court of Proprietors, the Court of Directors. The Company's servants returned from India have not been remarkable for holding many votes in the General Court.

The powerful operation of ministerial support extends to every man in India, whose friends have a parliamentary interest in England. The men who have the greatest power of doing mischief in India, are the men in the highest stations of the government. These are sure to be generally appointed from views of ministerial interest. And the whole force of the motives, whatever they are, which operate to their appointment, must operate likewise to connivance at their faults.

In every one of the circumstances, therefore, upon which good government depends, the Board of Control, when examined, is found to be still more de-

BOOK V. CHAP. 9. 1784. fective, as an instrument of government, than the Court of Directors, the incompetency of which to the right government of India, had been so loudly and so universally proclaimed.

What will be said in its favour is this: That the Board of Control, and the Court of Directors check each other. To this end we must of necessity suppose, that where the Court of Directors may have an interest in misgovernment, the Board of Control will have no such interest, and in that case will not allow the Court of Directors to pursue their interest: that, in like manner, where the Board of Control may have an interest in misgovernment, the Court of Directors will have no such interest, and in that case will not allow the Board of Control to pursue their interest.

According to this supposed mode of operation, the interests of all the governing parties are defeated. The theory unhappily forgets that there is another mode of operation; in which their interests may be secured. This is the mode, accordingly, which stands the best chance of being preferred. It is a very obvious mode; the one party having leave to provide for itself, on condition that it extend to the other a similar indulgence. The motives to misgovernment, under this plan, are increased by aggregation, not diminished by counteraction. Such are the greater part of the pretended checks upon misgovernment, which have ever been established in the world; and to this general law the Board of Control and Court of Directors do not, certainly, form an exception.

There is still another circumstance; and one to which the greatest importance will doubtless be attached. So long as the government of India was independent of the minister, he had no interest in

hiding its defects; he might often acquire popularity by disclosing them. The government of India, in these circumstances, was subject to a pretty vigilant inspection from Parliament. Inquiries of the most searching description had twice been instituted, and carried into its innermost recesses. The persons charged with the duties of government in India, acted under a full sense of the attention with which they were watched, and of the exposure to which their conduct was liable. A beneficial jealousy was preserved alive, both in parliament, and in the nation. At that time both erred, perhaps, by too much, rather than too little, of a disposition to presume among their countrymen in India the existence of guilt: a disposition far more salutary, notwithstanding, than a blind confidence, which, by presuming that every thing is right, operates powerfully to make every thing wrong. A great revolution ensued, when the government of India was made dependant upon the minister, and became in fact an incorporated part of his administration. Then it was the interest of the minister to prevent inspection; to lull suspicion asleep; to ward off inquiry; to inspire a blind confidence; to praise incessantly the management of affairs in India; and, by the irresistible force of his influence, make other men praise it. The effects are instructive. From the time of the acquisition of the territorial revenues of Bengal, parliament and the nation had resounded with complaints of the Indian administration. The loudness of these complaints had continually increased, till it became the interest of the minister to praise. From that very moment, complaint was extinguished; and the voice of praise was raised in its stead. From that time to this, no efficient inquiry into the conduct of the government in India has ever taken place.

Yet in the frame of the government no one new security can be pointed out, on which a rational man would depend for any improvement; and the incumbrances of the East India Company have continued to increase.

II. It was ordained by this act, that the Court of Directors should choose a Committee of Secrecy, not to exceed the number of three. As often as the Board of Control should frame orders which required secrecy, they were to transmit these orders, without communicating them to the Court of Directors; and receive answers to them under the same concealment. This was a regulation which enabled the Board of Control, and the Committee of Secrecy, to annihilate, as often as they pleased, the power of the Court of Directors. With respect to the government of India, the Court of Directors might be regarded as in fact reduced to three. Of this subsidiary regulation the effect was to render more complete the powers of the Board of Control.

III. It was ordained, that no act or proceeding of the Court of Directors, which had received the approbation of the Board of Control, should be annulled or in any way affected, by the Court of Proprietors. This was a provision, by means of which, as often as it pleased the Board of Control, and the Court of Directors, they could annihilate all direct power of the Court of Proprietors. By these several regulations, for more and more lessening the number of persons in whom any efficient part of the power of the East India Company remained, the facility of using it as a tool of the minister was more and more increased.

IV. The next important provision, in the bill of Mr. Pitt, was that by which it was rendered obligatory upon the servants of the Company, to give an

inventory of the property which they brought from India. If the undue pursuit of wealth was there the grand cause of delinquency, this undoubtedly was a regulation of no ordinary value. When the amount of a man's acquisitions in India was known, comparison would take place between his acquisitions and his lawful means of acquiring; and the great sanction of popular opinion would operate upon him with real effect. The difficulty of convicting the delinquent would thus be exceedingly diminished; and this prospect of punishment would contribute powerfully to save him from crime.

To the credit of the authors of the bill be it spoken, means of far greater than the usual efficacy were employed to force out the real state of the facts, and to defeat the efforts of concealment or deception. The parties were rendered subject to personal examination upon oath; and, for false statement, to the forfeiture of all their goods, to imprisonment and incapacitation. Information tending to the detection of falsehood was called for by the greatest rewards.

So important an instrument of good government as this, ought not, assuredly, to be confined to India. Wherever the pursuit of wealth is liable to operate to the production, in any degree, of bad government, there undoubtedly it ought to exist.

V. A new tribunal was constituted "for the prosecuting and bringing to speedy and condign punishment British subjects guilty of extortion, and other misdemeanors, while holding offices in the service of the King or Company in India." The Judicature was composed of one judge from each of the common law courts in Westminster Hall, chosen by his Court; four peers, and six members of the House of Commons, chosen, after an operose method, by their respective houses of parliament.

BOOK V. CHAP. 9. 1784. Of the procedure, according to which justice was, in this channel, to be administered, the only part which it is here material to notice, is that, which regards its powerful instrument, Evidence.

For more effectually opening the sources of evidence, it was ordained, that witnesses should be compelled, by punishment, as for a misdemeanor, to attend, and by fine or imprisonment, at the discretion of the Court, to give evidence. The Commissioners or Judges might send for papers, persons, and records, and commit to prison for all prevarication.

The punishment of offences committed in India, by trial in England, conducted under the rules of evidence mischievously established in the English courts, was impracticable, and the attempt absurd. This important truth seems, in part at least, to have been now very clearly perceived by the legislature; and an attempt was made, very feeble indeed, and far from commensurate with the evil, to remedy a defect of the law; a disgusting defect, which ensured, or little less than ensured, impunity to one of the highest orders of crimes.

"Whereas the provisions made by former laws" (such are the words of the statute,) "for the hearing and determining in England offences committed in India, have been found ineffectual, by reason of the difficulty of proving in this kingdom matters done there," it was enacted, that witnesses should be examined in India by the competent judges, that their testimony should be taken down in writing, and that, when transmitted to England, it should be received as competent evidence by the tribunal now to be established. It was further enacted, "in order" (says the statute) "to promote the ends of justice, in ascertaining facts committed at so great a distance from this country, by such evidence as the nature of

the case will render practicable,* that all writings which might have passed between the Company and their servants in India, might, as far as they related to the facts in question, be read, and their evidence, as far as to the Court it might appear to weigh upon the question, should be received. And also, upon the prayer of either of the parties, power was given of obtaining the examination, upon interrogatories, before a commissioner duly appointed, of absent witnesses, the depositions of whom, in this manner procured, should be admitted as evidence.

Of this important provision, in the East India bill of Mr. Pitt, the nature will appear, if we consider, first the necessity for it, and next its adaptation to the ends which it had in view.

1. The necessity for it implies, that there was no tribunal, as yet existing in this kingdom, which was adequate to the purpose of punishing and repressing crimes committed in India: because, if there was any such tribunal, no other, for a purpose which might have been answered without it, ought to have been called into existence. By enacting, therefore, a law for the creation of this new tribunal, the legislature of the country, with all the solemnity and weight of legislation, declared, that, for the punishment of crimes of the description here in question, the other tribunals of the kingdom, the courts of law, the courts of equity, and even the high court, as it is called, of parliament, are unfit. In what respect, unfit? Not merely for their absurd exclusion of such evidence as it was ordained that the new tribunal should receive. Because, had this been the only objection, it might have been easily removed, by simply prescribing what sort of evidence they ought to receive. They were therefore, according to the declaration of the legislature, unfit on other grounds, and these so fundamental, that no superficial change could remove the unfitness.

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This declaration is of very great extent. For if the tribunals, previously existing, were all, even with such rules for the admission of evidence, as the legislature might have compelled them to observe, unfit to try and to punish the crimes of high functionaries in India, they were equally unfit to try and to punish the crimes of high functionaries in England. The crimes of high functionaries are not one sort of thing in England, another sort of thing in India. They are the same sort of thing in both countries. And the only difference is, that the means of proof are to be brought in one case from a greater distance.

That the courts of law and equity are not tribunals by which the crimes of high functionaries can be repressed, was already the doctrine of the constitution; since it appointed the method of impeachment before the high court of parliament. The present declaration of the legislature bore, then, particularly, only upon the method of impeachment. That the declaration was just, in regard to the method of impeachment, if any doubt till then could possibly have remained, was made appear, according to the confession of all parties even in parliament, a few years afterwards, by the trial of Mr. Hastings.

We may then proceed upon it as a fact, fully established by experience, and solemnly recognized by the legislature, that, as far as law is concerned, there is impunity, almost or altogether perfect, to the crimes of high functionaries in England.

2. If we consider the adaptation of this tribunal of Mr. Pitt to the ends which it had in view, we shall first perceive that it was so constituted as to be an instrument in the hands of the minister, and sure to do whatever could be done with any tolerable degree of safety, to secure his objects, whatever they might be.

It consisted of two parts; three judges sent from

the three courts of common law; and ten members from the houses of parliament. The subservience of the judges of the common law courts to the minister, or to the master of the minister, is the doctrine of one of the most remarkable parts of the British constitution; the trial by jury. If it were not for the wrong bias to which the judges of England are liable, and all biases are trifling compared with the bias towards the Court, the institution of a jury would not only be useless, but hurtful. And if this be the doctrine of the constitution, there is assuredly none of its doctrines, which an experience more full and complete, an experience more nearly unvarying, can be adduced to confirm.

Such is the state of the case, in as far as regards that part of the proposed tribunal, consisting of the ordinary judges. With regard to that part which consisted of members chosen by the two houses of parliament, the case is cleared by the doctrine of the authors of the bill themselves. Mr. Pitt and his friends maintained, and nobody affected to deny, that the members to be chosen by parliament for Mr. Fox's Directors, would be "nominees" of the minister. There was nothing which could give the minister a power of nomination in that, which he would not possess in the present case. The second class of the members of the tribunal would, therefore, be "nominees" of the minister.[1]

1 For some curious information on this subject, see a debate which took place in the House of Commons, on the 16th of February, 1785, on the positive fact, that a ministerial list of members to be balloted for, on the very first choice for this new tribunal, was handed to members, by the door-keeper, at the door of the House. Cobbett's Parl. Hist. xxv. 1054—1060. After some experience, viz. on the 19th March, 1787, Mr. Burke said, "that the new judicature was infinitely the worst sort of jury that could be instituted, because it had one of the greatest objections belonging to it that could belong to any panel. The members of it

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The subservience of the whole would for that reason be complete. So far only as it was the interest of the minister that justice should be well administered, so far only would there be the *intention* to administer it well. How far, even where it *had* the intention, it would have the *other* qualities requisite for the detection and punishment of the official offences of official men, would demand a long inquiry sufficiently to unfold. I must leave it to the reader's investigation. Enough has probably been said to give a correct, if not a complete, conception of this new expedient for the better government of India.

Such were the five principal provisions in the celebrated India bill of Mr. Pitt. Of other particulars, not many require to be mentioned; and for such as do, a few words will suffice.

As the increase of the patronage and influence of the minister was the foundation of the furious outcry, which had been raised against the plan of Mr. Fox, there was a great affectation of avoiding all increase of ministerial patronage, by the bill of Mr. Pitt. In particular, no salaries were annexed to the offices of President, or Members of the Board of Control; and it was stated, that these offices might always be filled, without increase of expense to the nation, or of influence to the Crown, by functionaries who enjoyed other places of profit. We shall afterwards see, that this

were nominated by the minister, and it was known soon after the commencement of every session who they were." Cobbett's Parl. Hist. xxvi. 748. Mr. Pitt said, "if the Right Hon. Gent. meant generally to insinuate, that, in every act of the House, the influence of the minister was prevalent, he should not attempt to enter into the question, nor did he think such an insinuation decent or respectful to parliament." This, if not an admission, was not far from it. The only other circumstance with which he attempted to contradict the assertion was this, that each gentleman gave in a list. True; but what list? The minister's list, or another?

was a mask; which it was not long thought necessary that the project should wear.

The patronage of India was left to the Directors, subject to the following inroads: That the nomination of the Commander-in-Chief, who should always be second in Council, should belong exclusively to the King; That the Governor-General, Presidents, and Members of all the Councils, should be chosen, subject to the approbation of the King: And that the King should have the power of recalling them.

When it is said that the patronage of the Company was left with the Directors, it can only, by any body, be meant, that it was *ostensibly* left. For it never can for one moment be doubted that whatsoever patronage is in the hands of the subordinate and obeying body, in *reality* belongs to the superordinate and commanding. To ministerial purposes in general the patronage of the East India House is the patronage of the minister: In all the departments subordinate to the minister a large portion of the patronage necessarily follows the superintendance of the details. And it is probable that, in the East India House, a less proportion of the patronage remains, not placed immediately at the command of the minister, than in the most immediate departments of his administration, those, for example, of the Admiralty, and the Commander-in-Chief.[1]

[1] Mr. Burke said, "The new bill (Mr. Pitt's) vested in the Crown an influence paramount to any that had been created by the first bill (Mr. Fox's). It put the whole East India Company into the hands of the Crown: And the influence arising from the patronage would be the more dangerous, as those who were to have the distribution of the whole, in reality, though perhaps not in name, would be removeable at the will and pleasure of the Crown." Cobbett's Parl. Hist. xxiv. 354. Mr. Fox said, "By whom is this Board of Superintendance to be appointed? Is it not by his Majesty? Is it not to be under his control? In how dreadful a point of view, then, must the very supposition of an agreement between this Board and the Court of Directors strike every one who attends to it!

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Such were the contrivances for improving that part of the machinery of the Indian government, which had its seat in England. For immediate operation upon the faults of that part of it which had its seat, by unavoidable necessity, in India, the provisions of Mr. Pitt coincided to a great degree with the palliatives of Mr. Fox. A control was given to the Governor-General and Council of Bengal over the other Presidencies. Aggressive wars, presents, and disregard of orders, were forbidden. The Zemindars, who had been displaced, were to be restored, and their situation as much as possible rendered permanent; though nothing was said about their hereditary rights, or a tax incapable of augmentation. The debts of the Nabob of Arcot, and his disputes with the Rajah of Tanjore, were to be taken into consideration, and a plan of adjustment was to be devised, by the directors.

Must not the existence of such a union extend the influence of the prerogative, by adding to it the patronage of the Company? Is it not giving power to the Sovereign for the ends of influence, and for the extension of that system of corruption which had been so justly reprobated?" Ibid. 395. Mr. Fox again said, "The last parliament, to their immortal honour, voted the influence of the Crown inconsistent with public liberty. The Right Hon. Gent. in consequence of that vote, finds it probably unequal to the great objects of his administration. He is therefore willing to take the present opportunity of making his court—where he knows such a doctrine as the above will never be acceptable—and the plain language of the whole matter now is—that the patronage of India must be appended to the executive power of this country, which otherwise will not be able to carry on schemes hostile to the constitution in opposition to the House of Commons." Ibid. 337.—To these authorities may be added that of the Court of Directors. In the "Reply to the arguments against the Company's claim," &c. dated East India House, 19th January, 1805, it is affirmed, "The control and direction of Indian affairs is not with the Company: unless, indeed, it be argued, that *the small share of patronage left to them* constitutes power and influence: All the great wheels of the machine are moved by government at home, who direct and control the Company in all their principal operations in India." See State Papers in Asiat. Ann. Reg. for 1805, p. 201.

END OF VOL IV.

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